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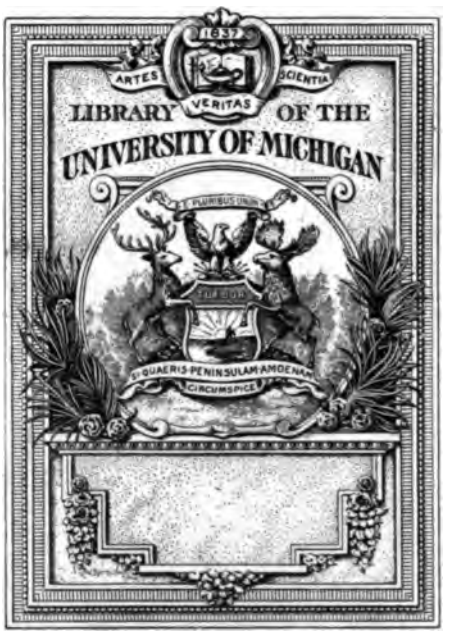

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JUDGMENTS RENDERED BY COURT OF CLAIMS FOR YEAR ENDED NOVEMBER 30, 1907.

LETTER FROM THE CHIEF CLERK OF THE COURT OF CLAIMS TRANSMITTING A STATEMENT OF JUDGMENTS RENDERED BY THE COURT DURING THE FISCAL YEAR ENDED NOVEMBER 30, 1907.

DECEMBER 3, 1907.—Referred to the Committee on Appropriations and ordered to be printed.

The clerk of the Court of Claims, in pursuance of section 1057 of the Revised Statutes of the United States, transmits to Congress the following statement of all judgments rendered by said court for the year ended November 30, 1907, the amounts thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claims upon which said judgments were rendered.

Respectfully submitted.

ARCHIBALD HOPKINS,
Chief Clerk Court of Claims.

Name of claimant.	No.	Amount claimed.	Amount awarded.	Date of judgment.	Nature of claim or other information.
				1906.	
Merchants National Bank of Baltimore.[b]	28121	$4,713.01	(a)	Dec. 3	Refund of certain duties illegally assessed by the Treasurer United States in excess of lawful amount.
George H. Penrose....	23971	5,151.89	(a)	....do...	For Government funds lost by captain and assistant quartermaster, United States Army.
Walter D. Howe.....	28616	434.30	(a)	....do...	Fees as United States commissioner.
Frederick C. Jackson..	20844	300.00	(a)	....do...	Difference in pay of clerk in post-office, Hartford, Conn.
Giles B. Harber.....	28520	133.06	$132.78	....do...	Difference in pay of commander, United States Navy.
Benjamin H. Fuller...	28708	29.25	20.40	....do...	Difference in pay of captain, United States Marine Corps.
Western Commercial Co.[a]	27577	25,075.50	12,537.75	....do...	Refund, Philippine tariff.
Charles L. Mullins....	28446	500.00	(a)	....do...	Difference in pay of officer, United States Army.
William D. Beach.....	25450	125.00	125.00	....do...	Value of horse lost in military service.

[a] Dismissed. [b] Appealed.

Name of claimant.	No.	Amount claimed.	Amount awarded.	Date of judgment.	Nature of claim or other information.
				1906.	
George Turner	28711	$200.00	(a)	Dec. 3	Bounty, civil-war volunteer.
McIntyre & Howard	22497	29,144.32	(a)	....do...	Compensation under contracts for constructing levees on Mississippi River.
H. F. Black, administrator.	29084 27816	256.58	$233.34	....do...	Extra pay (two months), Philippine volunteer.
Matthew Schlandecker.	23163 4410	500.00	(a)	....do...	Remuster, civil war.
Jesse J. de Slaughter	17760	... .	(a)	....do...	Commutation of clothing enlisted man, United States Army.
Sallie A. Steen, administratrix.	15575	300.50	(a)	Dec. 17	Salary deputy collector, Internal-Revenue Service.
Phoebe S. Nebecker	18011	69.84	(a)	....do...	Desert-land entry.
Fred H. Williams	23163 372	500.00	(a)	....do...	Remuster, civil war.
William A. Hood	21181	442.00	118.20	Dec. 24	Fees as United States commissioner.
Alexander T. Heide	22916	330.00	330.00	....do...	Expenses United States shipping commissioner.
Cyrus G. Bossieux	24046	150.00	49.18	....do...	Extra pay United States Army.
Oscar M. Spellman	20696	5,000.00	1,943.57	....do...	Fees and travel expenses, United States marshal.
Thomas D. Holley	22651	71,000.00	(a)	....do...	Seizure of cotton by United States Army during civil war.
				1907.	
W. J. Robinson	29680	450.00	412.50	Jan. 7	Balance of salary as judge circuit court, Territory Hawaii.
J. F. Moser	28445	2,537.50	2,537.50	....do...	Difference in pay officer United States Navy.
D. K. Emmons	21258	185.00	(a)	....do...	Refund of excess payment for public lands.
Carnegie Steel Co. (Limited).	23372	29,737.20	29,737.20	Jan. 14	Excess of duties paid on steel blooms.
Vicksburg, Shreveport and Pacific Railway Co.	29817	5,000.00	140.12	....do...	Transportation of United States mails.
Lawrence W. Moses	28266	8.40	8.30	....do...	Ten per cent increase officer in United States Marine Corps.
Charles G. Long	29528	26.78	18.60	....do...	Do.
Franklin J. Schell	28282	8.87	8.62	....do...	Difference in pay lieutenant, United States Army.
Northern Pacific Railway Co.	24905	2,000.00	1,085.45	....do...	Transportation of freight in the movements of United States troops.
William H. Hess	26159	37.44	37.44	....do...	Extra pay United States Volunteer Army.
Conrad Heinzen and Gustav Brockman, partners, etc.[b]	22914	125,000.00	16,827.31	Jan. 23	Refund of duties paid in Philippines.
William H. Faust	28780	248.16	(a)	Jan. 28	Longevity pay officer in United States Navy.
Juragua Iron Company.[b]	22804	33,566.00	(a)	....do...	For buildings and other property in Cuba taken and used by United States troops.

[a] Dismissed.

[b] Appealed.

Name of claimant.	No.	Amount claimed.	Amount awarded.	Date of judgment.	Nature of claim or other information.
				1907.	
George W. Morse	27284	$2,086.95	$1,419.69	Jan. 28	Expenses of United States shipping commissioner.
Oscar W. Farenholt	28735	335.38	54.35	Feb. 4	Difference in pay captain, United States Army.
George J. Miller	22664	400.00	(a)	....do...	Repayment of purchase money under "Homestead" law.
Alfred C. Sharpe	28383	144.13	122.92	....do...	Mileage of Army officer.
Alfred Olander	22561	600.00	509.17	....do...	Pay of surfman, United States Life-Saving Service.
Arthur F. Cosby	27442	765.65	(a)	....do...	Difference in pay under Navy Personnel Act.
Clarence C. Kershner	29081	50.00	(a)	....do...	Extra pay, Spanish war.
Foster Root	28711	31.20	(a)	....do...	Do.
Calvin C. Colt	29846	645.00	645.00	Feb. 11	Fees clerk of United States court.
Daniel D. Davies	22379	322.45	93.60	....do...	Fees of United States commissioner.
George M. Wells	28364	63.56	63.56	....do...	Mileage of Army officer.
Dennis W. Mullan [b]	22822	3,969.90	(a)	Feb. 18	Pay of commander in United States Navy.
Emmett L. Adams	28670	596.40	(a)	Feb. 18	Increase of pay for work on legal holidays.
Godfrey L. Carden	27979	182.65	(a)	....do...	Additional pay of first lieutenant, Revenue-Cutter Service.
Alphonzo M. Bullock	27121	1,447.00	922.53	....do...	Expenses, United States shipping commissioner.
Robert T. Jasper	22567	2,760.42	2,760.42	....do...	Pay of retired naval officer under navy personnel act of Mar. 3, 1899.
Charles Macdonald, sole survivor, etc.	22909	134,044.78	111,902.16	Feb. 19	Contract for building dry docks at Dry Tortugas, Fla.
Ho Tung & Co	21968	32,945.33	(a)	Feb. 25	Refund of customs paid at Manila, P. I., on goods shipped from Hongkong.
The Pacific Coast Steamship Co.	26556	1,672.15	(a)	....do...	Refund of license taxes.
Edwin E. Marvin	22266	1,308.80	186.35	....do...	Fees of clerk United States court.
Do	23114	656.70	212.25	....do...	Do.
William S. Doolittle	29964	540.00	540.00	....do...	Do.
Flint & Co	21942	5,878.08	5,883.84	....do...	Delay of Government to load coal on vessel for Manila, P. I.
Chicago, Burlington and Quincy R.R. Co.	24904	10,000.00	2,921.71	....do...	Transportation of United States troops and baggage during Spanish war.
Eli M. Wheat	24575	822.35	688.25	....do...	Night work Government Printing Office, assistant foreman.
John R. Berg	24576	290.86	88.50	....do...	Do.
Great Northern Railway Co.	27767	5,319.98	1,110.37	Mar. 4	Balance due for transportation United States mails.
Ottawa and Chippewa Indians of the State of Michigan.	27537	125,252.16	62,496.40	....do...	Principal and interest on stocks and bonds purchased for them and held in trust by Secretary of Treasury.

[a] Dismissed. [b] Appealed.

Name of claimant.	No.	Amount claimed.	Amount awarded.	Date of judgment.	Nature of claim or other information.
				1907.	
Samuel G. Proffit	22811	$93,838.05	$219.25	Mar. 4	Extra services under contract for mail service in Washington, D. C., and Baltimore, Md.
Alfred A. McClure	25869	165.00	25 00	Mar. 11	Bounty of private soldier in civil war.
Newton A. McCully	28913	66.62	66.62	....do...	Pay of naval officer under navy personnel act.
Porter M. Lewis	22805	307.53	(a)	....do...	Bounty of civil war volunteer.
Albert G. Summey	28577	141.25	(a)	....do...	Fees of United States commissioner.
William Roberts	29932	71.12	65.94	Mar. 18	Mileage of naval officers.
Moses Lewis	27808	165.00	(a)	....do ..	Back pay, allowances, and bounty for an honorably discharged soldier.
Silas C. Evans, et al	20992	10,671.44	(a)	Apr. 1	Compensation for damages to brig while in service of United States Government.
Joshua E. Gonzales and Andrew Kennedy.	26316	28,333.00	2,800.00	....do...	Damages to tug Dorothy and compensation for saving Government caisson at Sabine Pass, Tex.
Doc H. Hart	29844	3,330.00	2,310.00	....do...	Fees as clerk, United States district court.
John M. Somervell	29869	1,315.00	1,120.00	....do...	Do.
George F. McGinnis	23270	1,000.00	1,000.00	Apr. 8	Salary as postmaster, Indianapolis, Ind.
J. M. Ceballos & Co.[b]	23689	293,246.25	5,391.25	Apr. 22	Balance on contract for transporting Spanish prisoners, etc., from Philippines to Spain.
Laura Sherwood Picking, executrix.	21247	66.87	66.87	....do...	Difference in pay United States naval officer.
Washington S. Hyams	28615	1,375.90	205.25	....do...	Fees as clerk United States court.
Cecilio Zison and Pablo Zison.	26107	14,208.75	6,607.06	....do...	Refund, Porto Rican tariff.
Henry Brown, heir of Jerry Brown.	28777	500.00	299.51	....do...	Bounty and allowances volunteer civil war.
William T. Atkinson	28186	1,000.00	(a)	....do...	Extra pay, Spanish war.
Wythe M. Parks	29604	282.50	275.00	Apr. 29	Pay of officer in United States Navy.
C. Lewis Holthaus	28332	419.65	419.65	May 6	Extra pay enlisted man in Marine Corps.
Chicago, Milwaukee and St. Paul R. R. Co.	29636	50,000.00	10,824.96	....do...	Transportation of United States mails.
George S. Grimes	23131	139.96	(a)	....do...	Difference in pay officer in United States Army.
Sisseton and Wahpeton Bands of Sioux Indians.[b]	22524	2,252,983.53	788,971.53	May 13	Balance due for lands ceded to United States under treaty stipulations, agreements, etc.
Bartlett J. Cromwell	27487	165.31	79.16	....do...	Difference in pay of rear-admiral in United States Navy.
Nathaniel J. Riddick	18098	582.65	42.60	....do...	Fees as clerk United States court.

[a] Dismissed. [b] Appealed.

Name of claimant.	No.	Amount claimed.	Amount awarded.	Date of judgment.	Nature of claim or other information.
				1907.	
The Louisville and Nashville R. R. Co.	24917	$20,000.00	$6,156.55	May 13	Amounts deducted from compensation for transportation of baggage, freight, etc., in connection with movements of troops during Spanish war.
Stanley W. Martin....	26577	1,004.70	120.95	....do...	Fees clerk United States court.
D. M. Carman.....	29683½	3,600.00	(a)	....do...	Loss of bancos and lorchas at Manila, P. I., while under lease to United States.
Samuel Henderson, jr., et al.	22543	4,038.00	(a)	May 15	For allowance of credit in the settlement of accounts for loss of funds alleged to have been stolen.
George Pepperdine....	29992	600.00	600.00	....do...	Fees as clerk United States court.
Donn C. Mitchell.....	24371	166.66	125.00	Oct. 21	Extra pay officer United States Army; on mandate of Supreme Court.
William Cramp & Sons Ship and Engine Building Co.	20858	480,231.90	(a)	....do...	Contract construction of battle ship Indiana; on mandate of Supreme Court.
The Federal Manufacturing and Printing Co.	18930	122,342.10	(a)	Oct. 28	Use of patented plate-printing press.
Guillermo Alvarez y Sanchez.	28947	50,000.00	(a)	....do...	Value of an office in perpetuity in Porto Rico.
Norman J. Blackwood	23215	97.95	72.35	....do...	Pay of officer, United States Navy.
William C. Braisted...	28605	182.00	182.00	....do...	Do.
Charles E. Young.....	29972	193.66	193.66	....do...	Pay night foreman Government Printing Office.
John D. Meyers.....	29971	513.99	513.99	....do...	Do.
Eli M. Wheat.....	29975	106.24	106.24	....do...	Do.
Alexander J. MacDonald.	29927	48.84	48.84	....do...	Travel pay, enlisted man, United States Volunteer Army.
Littleton W. T. Waller.	28338	35.57	32.15	Nov. 4	Ten per cent increase foreign service officer, United States Marine Corps.
Samuel L. Trogden....	18234 21400	3,000.00	49.55	Nov. 11	Fees as clerk United States court.
Myles Sullivan.....	21277 d3	172.00	(a)	....do...	Salary as postal clerk.
Ray M. Gilbert.....	24376	150.00	116.67	....do...	Extra pay, officer Spanish war.
Walter G. Penfield....	23697	27.40	27.40	....do...	Do.

a Dismissed.

The above does not include judgments in cases under the Indian depredation act which requires the Attorney-General to report the same to Congress, nor does it include the findings of fact reported to Congress under the Bowman and Tucker acts, or the conclusions of fact and law reported to Congress under the French spoliation act.

JUDGMENTS

In Claims of Officers and Enlisted Men of the Spanish War for Extra Pay.

Name of claimant.	No.	Amount awarded.	Date of judgment.
Harvey C. Krow	26803	$31.20	Dec. 3, 1906
William K. Weaver	25466	150.00	Do.
John Bird	26151	150.00	Do.
Francis A. Laudenschlager	28368	31.20	Do.
George W. Trickey	27763	29.71	Do.
John M. Teeter	27759	15.60	Do.
Frederick J. Abel	27156	31.20	Do.
Otis D. Weinberg	27612	125.00	Do.
George Zimmer	26212	125.00	Do.
John A. Cope	26625	15.60	Do.
George L. Harvey	23717	248.84	Do.
John J. Boyle	23565	233.33	Do.
Edward Oliver	24254	155.56	Do.
Callistus S. Ennis, administrator	25271	208.33	Do.
Charles F. Anderson	25770	150.00	Do.
August W. Holgren	25822	77.78	Do.
Herman R. Blasen	28907-2	26.00	Dec. 10, 1906
Dennis J. Brady	28907-3	26.93	Do.
John E. Burnett	28907-4	26.00	Do.
Arthur B. Bell	28907-5	26.00	Do.
Charles M. Felder	28907-9	38.00	Do.
Peter Leclare	28907-10	22.98	Do.
Joseph Roach	28907-11	26.00	Do.
Charles E. Riney	28907-12	26.00	Do.
William Robinson	28907-13	26.00	Do.
Loring W. Riggen	28907-14	24.98	Do.
Fred Rodgers	28907-15	26.00	Do.
John F. Broderick	28907-16	26.00	Do.
Phileas Bellveau	28907-17	26.00	Do.
Foster Barger	28907-18	26.00	Do.
Samuel M. Blair	28907-19	26.00	Do.
William Becker	28907-20	30.00	Do.
Charles H. Russell	28907-21	26.00	Do.
Oscar T. Rye	28907-22	26.00	Do.
Joseph C. N. Rowell	28907-23	26.00	Do.
Henry C. Roberts	28907-24	25.57	Do.
William J. Drysdale	28907-25	26.00	Do.
Milo O. Rich	28907-26	26.00	Do.
David W. Hilsabeck	28907-27	26.00	Do.
Charles D. Fowler	28907-28	26.00	Do.
George R. Moore	28907-29	24.47	Do.
Christ Hill	28907-30	26.00	Do.
John W. Jackson	28905-1	28.73	Do.
John G. Dabney	28905-7	26.00	Do.
Charles W. Duffin	28905-10	21.79	Do.
Earl Ford	28905-17	26.00	Do.
George Cummings	28905-18	26.00	Do.
Samuel T. Holms	28905-19	26.00	Do.
Howard A. Mitchell	28905-20	26.00	Do.
Alva O. Wilson	28905-21	26.00	Do.
Edward Washington	28905-22	26.00	Do.
Robert F. Wolf	28905-23	26.00	Do.
Albert Weand	28905-24	4.06	Do.
Frank C. Williams	28905-25	19.05	Do.
Chriss Rosen	28905-26	24.48	Do.
Walter O. Prince	28905-27	26.00	Do.
Albert V. Shaw	28905-28	26.00	Do.
Albert Miller	28905-29	26.00	Do.
Lorenz Mayer	28905-30	36.00	Do.
Robert Larke	28905-31	23.05	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
John Lee	28905-32	$26.00	Dec. 10, 1906
Thomas L. Hunt	28905-33	26.00	Do.
Patrick Hogan	28905-34	26.00	Do.
Michael Howard	28905-35	26.00	Do.
William Conkleman	28905-36	13.50	Do.
Albert W. Compton	28905-37	30.00	Do.
George W. Coffey	28905-38	24.97	Do.
Roscoe G. Cochran	28905-39	26.00	Do.
William F. Buckolz	28905-40	26.00	Do.
Guy R. Martin	28905-41	26.00	Do.
Frank K. Michener	28905-42	26.00	Do.
James B. Morrison	28905-43	26.00	Do.
Charles Matteson	28905-44	26.00	Do.
Randall O. Ring	28905-45	26.00	Do.
Clinton Bowman	28905-46	26.00	Do.
Roy T. Dickerson	28905-47	26.00	Do.
Allie Chambers	28905-48	26.00	Do.
Presley V. Ryhal	28905-50	26.00	Do.
Herman A. Haubold	24145	368.89	Do.
Solomon L. Jeffers	24568	150.00	Do.
Charles H. Fernald	28545	150.00	Do.
Emerson E. Eddy	28220-37	31.20	Do.
George Whitlock	28220-38	31.20	Do.
Sanford H. Thorne	28220-39	31.20	Do.
Frank J. Weaver	28220-40	31.20	Do.
Charles H. Phillips	28220-41	36.00	Do.
Robert J. St. Helens	28220-43	31.20	Do.
John M. Reardon	28220-45	31.20	Do.
Ella Ferguson	28383	166.67	Do.
Robert E. Collins	24883-36	26.00	Do.
C. Werner	29574	43.60	Do.
William J. Johnson	29502	38.40	Do.
William A. Brown	29535	45.60	Do.
G. R. Fowler	24446	30.00	Do.
Morris M. Keck	27548	116.67	Do.
Orlo E. Naylor	28138	31.20	Do.
H. B. Frymire	27573	31.20	Do.
C. H. Anderson	27482	8.32	Do.
William A. Campman	28620	35.01	Do.
E. L. Solomon	26491	30.00	Do.
H. E. Gangler	28146	31.20	Do.
Paul S. Ulrich	28541	43.20	Do.
George C. Canning	26719-4	31.20	Do.
Leo G. Howell	28220-34	31.20	Do.
Frank P. Hanson	28220-26	31.20	Do
Andrew S. Corbett	26713-3	31.20	Do.
William J. Cullen	26713-4	31.20	Do.
George Harris	28220-35	31.20	Do.
G. A. Bateman	28220-36	31.20	Do.
C. Bodemer	24571 A (1)	250.00	Do.
Martin Kenney	24571 F (2)	31.20	Do.
H. F. Baldwin	24571 G (1)	125.00	Do.
Edward Skeel	24571 L	175.00	Do.
Fred Glazier	24571 X	125.00	Do.
Carl L. Mueller	24978	422.23	Dec. 17, 1906
John M. Donnelly	28076	31.20	Do
Josiah F. A. Newhard	28773	36.00	Do.
Emile Chartard	29336	31.20	Do.
Joseph G. Boyer	27904	47.20	Do.
Clarence O. Bohanon	29576	43.20	Do.
John P. Wotring	28181	31.20	Do.
Jefferson C. Miller	29575	31.20	Do.
Byon Soders	27897	26.00	Do.
Frank B. Hoops	26506	31.20	Do.
Homer M. Soders	27938	31.20	Do.
Jacob F. Kreider	26925	31.20	Do.
Norman G. Bitzer	26327	31.20	Do.
Henry J. Vogel	27866	31.20	Do.
Emanuel K. Vogel	27869	36.00	Do.
Emil Heun	26719-8	31.20	Do.
Anthony Blumlein	26721-19	31.20	Do.
George Doyle	28906-1	26.00	Do.
Alfred Hanson	28906-2	26.00	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
Joseph Hale	28906-3	$26.00	Dec. 17, 1906
Henry W. Harala	28906-4	26.00	Do.
James K. Hyde	28906-5	18.97	Do.
William H. Hobson	28906-6	26.00	Do.
Noah T. Hall	28906-8	26.00	Do.
John Hodson	28906-10	26.00	Do.
Charles S. Hawkins	28906-11	15.67	Do.
Frederick G. Smith	28906-12	26.00	Do.
Homer H. Haydock	28906-15	26.00	Do.
Joseph L. Barron	28906-16	30.00	Do.
John W. Houchin	28906-17	26.00	Do.
Herman Hendrickson	28906-18	23.71	Do.
Elmer E. Houghton	28906-19	26.00	Do.
William F. Hague	28906-20	25.32	Do.
Charles A. Faulkner	28906-21	24.39	Do.
Edward J. Johnson	28906-22	26.00	Do.
Jacob C. Jolliffe	28906-23	26.00	Do.
John H. Nugent	28906-25	26.00	Do.
John Noble	28906-26	26.00	Do.
Dunk W. Nelms	28906-27	26.00	Do.
George S. Nevils	28906-28	26.00	Do.
John W. Smith	28906-30	26.00	Do.
Robert E. Lytle	28906-31	26.00	Do.
Frank Lape	28906-32	30.00	Do.
Milton Lane	28906-33	26.00	Do.
Lars Lund	28906-34	26.00	Do.
John C. Dorsey	28906-35	26.00	Do.
Isaac Smith	28906-36	31.20	Do.
Samuel Goldberg	28906-37	20.67	Do.
Samuel Montague	28906-38	31.20	Do.
Edward H. Beck	28906-39	26.00	Do.
Joseph W. Lapointe	28906-40	31.20	Do.
Elmer M. Buell	28906-42	30.00	Do.
Zeb Grant	28906-43	23.03	Do.
Robert W. Green	28906-44	26.00	Do.
Harold R. Gaston	28906-45	26.00	Do.
Frank Gregory	28906-46	26.00	Do.
Henry Gamble	28906-47	26.00	Do.
Oliver W. Graham	28906-49	26.00	Do.
Oscar L. Gatlin	28906-50	30.00	Do.
George B. Carpenter	26346-1	21.60	Do.
John D. Fultch	26346-2	15.60	Do.
James A. Marsh	26346-3	15.60	Do.
John B. Murphy	26346-4	15.60	Do.
Lewis E. Lardin	26346-5	15,60	Do.
George K. Engelbach	26346-6	18.00	Do.
Durbin H. Grazier	26346-7	15.60	Do.
William B. Herald	26346-9	15.60	Do.
Harry W. Stephens	26346-10	21.60	Do.
Charles T. Musselman	26346-11	15.60	Do.
Frank E. Clark	26346-12	15.60	Do.
John F. Uphouse	26346-13	15.60	Do.
Harry B. Hershey	26346-14	15.60	Do.
Oscar M. Davis	26346-15	15.60	Do.
George A. Stein	26346-16	15.60	Do.
Clarence H. Getty	26346-17	15.60	Do.
Irvin B. Custer	26346-18	15.60	Do.
Edward Smith	26346-19	15.60	Do.
David Litzinger	26346-21	17.91	Do.
Leroy May	26346-23	16.19	Do.
John W. Clinger	26346-24	15.60	Do.
William J. Baumer	26346-25	15.60	Do.
Edward N. McCune	26346-26	15.60	Do.
Louis A. Wakefield	26346-27	15.60	Do.
John W. Shaffer	26346-28	15.60	Do.
James Gillin	26346-29	15.60	Do.
William R. Smith	26346-30	30.00	Do.
William W. West	26346-31	15.60	Do.
Arthur G Smith	26346-32	15.60	Do.
Charles R. Bowen	26346-33	18.00	Do.
Harvey E. Miller	26346-34	18.00	Do.
Wesley J. Heslop	26346-35	15.60	Do.
William G. McKlearr	26346-36	15.60	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
Richard W. Roberts	26346-37	$18.00	Dec. 17, 1906
Emil Young	26346-38	15.60	Do.
William C. Murray	26346-39	15.60	Do.
Harry C. Krieger	26346-40	15.60	Do.
John W. Burk	26346-41	18.00	Do.
James Redmond	26346-42	15.60	Do.
Valentine C. Louther	26346-43	15.60	Do.
George H. Jones	26346-44	15.60	Do.
John S. Goddard	26346-45	15.60	Do.
Isaac M. Parks	26346-46	15.60	Do.
Fred W. Hoffman	26346-47	15.60	Do.
Foster Zigler	26346-49	15.60	Do.
Otterbine G. Stutler	26346-50	15.60	Do.
Leander G. Hornick	26346-51	15.60	Do.
George W. Page	26346-52	15.60	Do.
Nathaniel Blough	26346-52	21.60	Do.
William N. Wolf	26346-54	15.60	Do.
Joseph Boehmer	25059	31.20	Dec. 24, 1906
Toner A. Hugg	26871	15.60	Do.
Archie M. Fitzkee	29066	31.20	Do.
Pitt S. Wilson	27570	31.20	Do.
Harry Quenzer	26818	31.20	Do.
Henry C. Weibel	26922	31.20	Do.
Guy P. Brown	25535	31.20	Do.
Frank L. French	29062	275.00	Do
Alfred C. Chatfield	29798	67.20	Do.
George C. Holbrook	28597	30.00	Do.
Edward I. Fornwalt	26321	31.20	Do.
Edward S. Berger	26405	31.20	Do.
John A. Beard	25164	31.20	Do.
Harry E. Rook	28514	15.60	Do.
George N. Defrain	26684	15.60	Do.
Oscar W Barefoot	26334	31.20	Do.
Charles R. Schlicher	26510	31.20	Do.
Harry C. A. Balliet	25084	31.20	Do.
Camilla H. Whyte	26521	150.00	Do.
Edward S. Moser	26637	31.20	Do.
George W. Hersh	25057	31.20	Do.
William O. Hering	27994	31.92	Do.
Edgar T. Johnston	26889	31.20	Do.
James S. Carnahan	26365	35.20	Do.
William W. Bechtel	25139	31.20	Do.
Edwin A. Keifer	25058	31.20	Do.
William R. Schell	25140	31.20	Do.
George W. Fry	25189	31.20	Do.
Fred W. Fleming	25365	208.33	Do.
Daniel Baker	26760	15.60	Do.
Newton W. Gilbert	25956	150.00	Do.
William J. Webb	28284	116.38	Jan. 7, 1907
Frederick M. Whiting	25913	150.00	Do.
John E. Donahoe	29137	77.78	Do.
J. Edward Dupont	22960	150.00	Do.
William H. Straub	26022	208.33	Do.
Louis Ruch	25624	125.00	Do.
Edmund N. Carpenter	29108	133.33	Do.
William H. Brown	28619	330.00	Do.
Peter A. Thompson	28059	116.67	Do.
Robert Byars	23048	233.33	Do.
John H. Nixon	25934-56	15.60	Do.
John W. Price, jr	25934-57	15.60	Do.
Joseph W. Jackson	29148	133.33	Do.
Samuel B. Hunter	24324	150.00	Do.
Charles H. Jones	28983	111.11	Do.
William Butement	29080	60.00	Do.
Jesse Slingluff	25475	125.00	Do.
Walter C. Gifford	27089	125.00	Do.
William F. Meeks	27087	300.00	Do.
James L. Linn	27881	162.50	Do.
James E. Armstrong	26346-48	15.60	Do.
Clyde R. Cox	26342-22	15.60	Do.
John H. Crain	26342-24	15.60	Do.
Samuel P. Bathurst	26342-26	15.60	Do.
David E. Rothrock	26342-28	18.00	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
George B. Snyder	26342-30	$18.00	Jan. 7, 1907
Harrison G. Williams	26342-33	15.60	Do.
Wilbur L. Wagner	26342-36	15.60	Do.
Oscar A. Shirley	26342-38	15.60	Do.
Lewis A. Walker	26342-40	15.60	Do.
Orris Osman	26342-42	15.60	Do.
Cline J. Grenoble	26342-44	15.60	Do.
William M. Hess	26342-46	15.60	Do.
Frederick K. Frank	26342-49	15.60	Do.
Hickman J. Kellerman	26342-51	15.60	Do.
Samuel H. Rhoades	26342-53	15.60	Do.
Harry H. Neff	26342-56	15.60	Do.
Lawrence Rittenhouse	26342-58	15.60	Do.
Harry Charles	26342-23	15.60	Do.
James L. Curtin	26342-25	15.60	Do.
George F. Miller	26342-27	18.00	Do.
Harry R. Griest	26342-29	18.00	Do.
Willis E. Williams	26342-31	18.00	Do.
William H. McCausland	26342-35	15.60	Do.
Jacob J. Spotts	26342-37	15.60	Do.
Frank T. Wallace	26342-39	15.60	Do.
David O. Hasel	26342-41	5.20	Do.
Clarence H. Osmer	26342-43	15.60	Do.
John P. Johnston	26342-45	15.60	Do.
Horace M. Harper	26342-48	15.60	Do.
William C. Ertel	26342-50	15.60	Do.
Harry A. Gardner	26342-52	15.60	Do.
Daniel J. Koch	26342-54	15.60	Do.
Harry F. McManaway	26342-57	15.60	Do.
Charles E. Parr	26281-1	15.60	Do.
Hurl McClellan	26281-3	15.60	Do.
Franklin H. Schieder	26281-5	19.52	Do.
Frank D. Sanders	26281-7	19.53	Do.
Blake Lightner	26281-9	15.60	Do.
Charles W. Wyre	26281-11	15.60	Do.
Harry W. Fisher	26281-13	15.60	Do.
Walter Welch	26281-15	15.60	Do.
Roscoe Conklin	26281-17	15.60	Do.
Irvin W. Best	26281-19	15.60	Do.
Jerrard M. Ogden	26281-21	15.60	Do.
Aaron Snyder	26281-23	15.60	Do.
John J. Weaver	26281-26	15.60	Do.
James Sutton, jr	26281-28	21.60	Do.
Cecil W. Fleck	26281-30	15.60	Do.
Harold R. Mitchell	26281-2	15.60	Do.
Edward G. McCrossin	26281-4	15.60	Do.
Verden R. Thompson	26281-6	15.60	Do.
Leon H. Albert	26281-8	15.60	Do.
Cortland G. Copenhaver	26281-10	15.60	Do.
Jacob Lippart	26281-12	15.60	Do.
Charles J. Mikasts	26281-14	15.60	Do.
Oden K. Denning	26281-16	15.60	Do.
Charles C. Estrecher	26281-18	15.60	Do.
Luther Rowles	26281-20	15.60	Do.
George M. Lumadue	26281-22	15.60	Do.
Calvin Weaver	26281-24	15.60	Do.
John H. Minnich	26281-27	15.60	Do.
John H. Overmiller	26281-29	15.60	Do.
John S. Dornhaser	[illegible]	[illegible]	Do.
Joseph Dover	[illegible]	[illegible]	Do.
Thomas O. Cowlin	[illegible]	[illegible]	Do.
George N. [illegible]	[illegible]	[illegible]	Do.
George H. [illegible]	[illegible]	[illegible]	Do.
Peter Albert, jr	[illegible]	[illegible]	Do.
Moses A. Reinhart	[illegible]	[illegible]	Jan. 14, 1907
Claude R. [illegible]	[illegible]	[illegible]	Do.
Richard S. [illegible]	[illegible]	[illegible]	Do.
Hiram [illegible] Knapp	[illegible]	[illegible]	Do.
George E. Whitlock	[illegible]	[illegible]	Do.
Patrick McDonald	[illegible]	[illegible]	Do.
George F. Reinhardt	[illegible]	[illegible]	Do.
Cornelius [illegible], administrator	[illegible]	[illegible]	Do.
John E. Hackney	[illegible]	[illegible]	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
Grant Witmer	26865	$31.20	Jan. 14, 1907
Anthon C. Jensen	25942	125.00	Do.
Sabina A. Yeagly, administratrix	29056-14	31.20	Do.
Jacob Cooper	29056-10	36.59	Do.
Irwin A. Beck	29056	31.20	Do.
Harry M. Krumbein	29056-5	31.20	Do.
John O'Neill	29056-6	31.20	Do.
George H. Schauer	29056-7	31.20	Do.
Lynn Trafford	29056-8	31.20	Do.
James Wolf	29056-9	31.20	Do.
Julius C. Johnson	29063	34.57	Do.
John C. Shattuck	29244	31.20	Do.
Ralph B. Applewhite	28737	150.00	Do.
Philip H. Pryer	27893	31.20	Do.
Samuel J. Selfried	26801	31.20	Do.
William McMinn	27532	31.20	Do.
John Murray Reed	28928	416.66	Do.
George W. Wieand	28962	43.20	Do.
Walter E. Rogers	29077	31.20	Do.
Harry H. Rockey	29015	43.20	Do.
William Otto	27531	31.20	Do.
John J. McMahon	29046	30.00	Do.
Augustus B. Jefferies	27961	26.00	Do.
Edward Nagle	27048	31.20	Do.
Gustav E. C. Lasch	27479	31.20	Do.
Joseph Lafountaine	28644	31.20	Do.
William J. Lingel	28791	31.20	Do.
William Hershey	28851	31.20	Do.
Truman F. Walk	27900	31.20	Do.
James K. Hunter	28860	40.68	Do.
Harry Hamilton	28888	31.20	Do.
Edwin B. Hammer	28911	31.20	Do.
Alford H. Colwell	28925	43.20	Do.
Samuel G. Davis, jr	28818	166.67	Do.
Charles J. Lee	29870	45.60	Do.
Gust Elvester	29809	26.00	Do.
Charles M. Stansifer	29847	26.00	Do.
Samuel L. Mathews	29863	30.00	Do.
Joseph J. Porter	29864	30.00	Do.
William Hassett	29865	26.00	Do.
Lawrence Benton	29855	43.20	Do.
George D. Abbott	29752	26.00	Do.
Bernard W. Beatty	29753	26.00	Do.
Andrew J. Kinney	23120	300.00	Do.
Charles A. Born	27305	583.33	Do.
John Taddy	24571 J2	43.20	Do.
Charles S. Jones	26721-10	31.20	Do.
George H. Stevenson	28866	108.00	Do.
William J. Rawlings	25728	125.00	Do.
George W. Dicus	29127	250.00	Do.
Fred L. Thatcher	25479	170.00	Do.
Randolph Hurry, executor	26664	166.67	Do.
Robert W. Hawkins	29134	54.00	Do.
Michael Sullivan	26285	116.67	Do.
Alfred L. Trenoweth	26024	29.17	Do.
John H. Gilbert	27162-55	31.20	Do.
John A. Taylor	27162-56	31.20	Do.
George W. Steever	27162-57	31.20	Do.
William Theurer	27162-58	31.20	Do.
John M. Bitner	27162-59	31.20	Do.
Warren R. Bell	27162-60	31.20	Do.
Louis B. Leedy	27162-63	31.20	Do.
Henry S. Fidler, father, etc	26231-27	43.20	Do.
Wilson H. Lewars	26231-29	43.20	Do.
John A. Shipp	28829-31	22.11	Do.
James H. Webb	28829-32	31.20	Do.
John McConnell	28829-34	36.00	Do.
Charles W. Boone	28829-35	26.00	Do.
Robert J. Busbee	28829-36	26.00	Do.
James Wood	28829-37	36.00	Do.
George Bushey	28829-41	26.00	Do.
George H. Ray	28829-42	31.20	Do.
Charles Parks	28829-43	9.68	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
William N. Fisher	28829-44	$36.00	Jan. 14, 1907
Thomas Martin	28829-48	28.72	Do.
Henry W. Mohr	28829-49	26.00	Do.
George R. Morton	28829-50	24.57	Do.
Edward C. Kunde	29646	58.16	Jan. 21, 1907
John Mulligan	29645	130.76	Do.
William A. Northrop	29872	36.68	Do.
Irvin V. Todd	29871	82.72	Do.
William A. Brown	29644	49.64	Do.
William McK. Lambdin	29146	95.00	Do.
Karl L. De Sombre	29368	266.66	Do.
Frederick R. Charlton	23801	208.33	Do.
Elmer A. Misener	29213	26.00	Do.
Adam Barnholt	29600	26.00	Do.
Albert F. Clemens	29056-19	31.20	Do.
Clifton L. Fenton	29533	333.34	Do.
Patrick J. McMahon	23980	320.01	Jan. 28, 1907
John C. Branaman	29240	125.00	Do.
William J. Keating	23907	21.60	Do.
George S. McCleery	23785	150.00	Do.
Fitzhugh Tayloe	24138	125.00	Do.
Lewis G. Hunton	24081	250.00	Do.
Joseph E. McCarter	22961	125.00	Do.
Herbert E. Burchfield	23391	116.67	Do.
Chris E. Johnson	25903	250.00	Do.
I. E. Miller, administrator, etc	23627	266.66	Do.
Charles W. Jacobie	27358	15.60	Do.
James B. Curry, father, etc	28832	62.40	Do.
Daniel P. Myers	28993	31.20	Do.
Peter Shaner	29082	31.20	Do.
Paul F. Kochenderfer	29024	43.20	Do
Albert L. Mooney	26723	31.20	Do.
Richard M. Reuther	28476	43.20	Do.
Morris W. Spangler	28971	31.20	Do.
Joseph L. Lengel	28503	43.20	Do.
Edward V. Kestner	28497	31.20	Do.
Ralph B. Eshleman	26322	31.20	Do.
John Mervine	28477	36.00	Do.
Franklin S. Gicker	29086	31.20	Do.
Harry Epstein	29086-3	31.20	Do.
Wallace Quimby	29086-4	31.20	Do.
Luther A. Yeager	29086-6	31.20	Do.
William T. Eckenroth	29086-7	31.20	Do.
Thomas W. Paine	29086-9	31.20	Do.
Horace R. Carl	29044	31.20	Do.
John Turner	24671 Z1	300.00	Do.
William B. Hall	24671 M1	250.00	Do.
John E. Barron	24671 A2	233.33	Do.
Oscar L. Foley	23919	116.67	Feb. 4, 1907
John S. Adams	23940	116.67	Do.
Albert W. Foreman	24098	116.67	Do.
William J. Perry	24452	125.00	Do.
Willis J. Wells	24019	300.00	Do.
Julius E. Fliege	24134	300.00	Do.
James H. Perley	24397	166.67	Do.
Hamilton M. Ross, jr	24527	150.00	Do.
George H. Freitas	24441	41.67	Do.
Abraham L. Hauerwas	24093	150.00	Do.
Lawrence D. Knowles	24245	208.33	Do.
John Kane	24272	15.60	Do.
William B. Poland	24546	150.00	Do.
Amos Meshey	28896	29.26	Do.
Robert E. Heffner	26494	31.20	Do.
William H. J. Reed	26683	31.20	Do.
William H. Smith	24571 G2	212.50	Do.
Frank E. Callies	24571 I2	108.00	Do.
George W. Drummond	24813	150.00	Feb. 5, 1907
Roy Vendenheuval	24567	41.67	Do.
Lewis H. Palmer	26955	300.00	Do.
Alvah M. Jacobus	26950	125.00	Do.
H. Eugene Myers	28827-11	32.00	Do.
Lawrence S. Truman	25101	206.11	Do.
Hensyl L. Heaton	28882	26.00	Do.

***Judgments in claims of officers and enlisted men of the Spanish war for extra pay*—Continued.**

Name of claimant.	No.	Amount awarded.	Date of judgment.
James K. Watkins	27274	$70.00	Feb. 5, 1907
John H. Weller, administrator	25096	268.22	Do.
Walter A. Bailey	27329	9.36	Do.
John King Freeman	26291	200.00	Do.
John Woodard	29921	38.40	Feb. 7, 1907
Allen Wolfe	29918	33.60	Do.
Pleasant F. Russell	29919	45.60	Do.
Bernhard Benfeldt	29920	36.00	Do.
Howard W. Yocum	29890	26.00	Do.
George J. Romer	29911	26.00	Do.
Victor L. P. M. Gicquel	29922	55.20	Do.
William A. Ostrander	27834	14.40	Do.
George C. Sellnow	27865	31.20	Do.
Henry C. S. Hastings	27963	11.44	Do.
Edward H. Chapman	27964	36.00	Do.
Seymour N. Harris	27965	43.20	Do.
William B. Coates	27968	43.20	Do.
Arthur J. Clifford	27970	12.48	Do.
Frank E. Selkirk	27973	15.84	Do.
Arthur M. Bandorf	27975	12.48	Do.
Charles G. Rappe	27976	28.08	Do.
Cassimer F. Swann	27977	10.08	Do.
George Westfall	28248	12.48	Do.
Robert J. Robinson	28250	16.64	Do.
Edward H. Burton	28251	73.89	Do.
William P. Malcolm	28263	12.48	Do.
Jacob S. Kingsbury	28276	14.40	Do.
Willis E. Walker	28277	12.48	Do.
Claton E. Bump	28278	31.20	Do.
Archibald R. McFarland	28279	2.88	Do.
William A. Hendrickson	28300	11.96	Do
Christopher Gresham	28301	250.00	Do.
Martin R. Weldon	28302	31.20	Do.
John J. Denn	28303	12.48	Do.
Frank G. Van Tuyl	28306	10.40	Do.
John H. Ehmann	28307	12.48	Do.
Harry S. Starkey	24686	125.00	Do.
William E. Stockdale	24615	44.44	Do.
Mitchell N. Pride	24789	125.00	Do.
Jerome B. Frisbee	25337	21.60	Do.
W. H. Hause	24605	233.34	Do.
James E. Wertman	24612	116.67	Do.
Willard C. Lord	25623	125.00	Do.
William B. Morgan	28908-1	26.00	Do.
Henry W. Rosenberg	28908-2	23.99	Do.
Erwin J. Levy	28908-3	26.00	Do.
Arthur W. Dewey	28908-4	31.20	Do.
John W. Bell	28908-5	36.00	Do.
John G. Crasher	28908-6	26.00	Do.
Benjamin Franklin	28908-7	31.20	Do.
Edward H. Beal	28908-8	26.00	Do.
Harry Baker	28908-9	39.03	Do.
Joe Bryant	28908-10	31.20	Do.
George H. Callis	28908-11	26.00	Do.
John T. Casey	28908-12	30.48	Do.
William R. Carter	28908-13	31.20	Do.
Eugene C. Born	28908-14	30.70	Do.
George O. Hodges	28908-15	30.80	Do.
George L. Hobbs	28908-16	31.20	Do.
James Mack	28908-17	29.80	Do.
Michael Dudley	28908-19	31.20	Do.
William S. Mannon	28908-20	29.65	Do.
Harry Mabie	28908-21	31.20	Do.
James Fitzsimmons	28908-22	28.00	Do.
Herman D. Kribbs	28908-23	31.20	Do.
Charles E. Gannt	28908-24	26.00	Do.
George Stackeman	28908-27	31.20	Do.
John C. Giles	28908-29	26.00	Do.
George W. Sanders	28908-30	26.00	Do.
William F. McCann	28908-31	34.93	Do.
Frederick H. Bailey	28908-32	26.00	Do.
William Foley	28908-33	31.20	Do.
Zacharias D. Rule	28908-34	37.16	Do.

[illegible] BY THE COURT OF CLAIMS.

[illegible] military men of the Spanish war for extra [illegible] Continued.

	No.	Amount awarded.	Date of judgment.
[illegible]	28908-35	$26.00	Feb. 7, 1907
[illegible]	28908-36	26.00	Do.
[illegible]	28908-37	31.20	Do.
[illegible]	28908-38	26.00	Do.
[illegible]	28908-39	26.00	Do.
[illegible]	28891	150.00	Feb. 11, 1907
[illegible]	25835	125.00	Do.
[illegible]	26733	31.20	Do.
[illegible]	26676	31.20	Do.
[illegible]	28083	330.00	Do.
[illegible]	26878	31.20	Do.
[illegible]	26331	31.20	Do.
[illegible]	23404	145.00	Do.
[illegible]	25643	116.67	Do.
[illegible]	27649	107.63	Do.
[illegible]	24571 M2	250.00	Do.
[illegible]	24571 P2	36.00	Do.
[illegible]	26584	32.64	Feb. 12, 1907
[illegible]	26283	416.66	Do.
[illegible]	25848	62.50	Do.
[illegible]	26586	150.00	Do.
[illegible]	25908	125.00	Do.
[illegible]	25888	300.00	Do.
[illegible]	26355	150.00	Do.
[illegible]	27199	116.39	Do.
[illegible]	28188-2	12.02	Do.
[illegible]	24639	116.67	Feb. 18, 1907
[illegible]	25782	233.34	Do.
[illegible]	25517	125.00	Do.
[illegible]	26345	141.67	Do.
[illegible]	28765	15.60	Do.
[illegible]	28543	150.00	Do.
[illegible]	29225	97.78	Do.
[illegible] father, etc	24826	150.00	Do.
[illegible]	27093	150.00	Do
[illegible]	24170	125.00	Do.
[illegible]	29374	116.67	Do.
[illegible]	26953	416.66	Do.
[illegible]	24492	250.00	Do.
[illegible]	29362	125.00	Do.
[illegible] Mason	29176	125.00	Do.
[illegible] M. Smith	27982	208.33	Do.
[illegible] Mycholowski	29175	125.00	Do.
[illegible] P. Kelley	26344	162.50	Do.
[illegible] Randolph Crowell	24360	104.17	Do.
[illegible] C. Stevenson	24333	125.00	Do.
[illegible] Kennedy	24235	125.00	Do.
[illegible] E. Gambell	29361	150.00	Do.
[illegible] S. Tarlton	28455	150.00	Do.
[illegible] T. Innis, father, etc	28908-46	20.55	Do.
[illegible] P. Williams	24942	125.00	Do.
[illegible] L. Butts	24944	200.00	Do.
[illegible] W. Atkinson	24945	100.00	Do.
Henry L. Ripley	24947	400.00	Do.
David M. Dodge	25054	75.00	Do.
George F. Buss	23970	140.00	Do.
Charles C. Gear	25011	150.00	Do.
Harry W. Krumm	25288	150.00	Do.
Tyree R. Rivers	25824	125.00	Do.
Henry G. Miller	26346-56	15.60	Do.
Michael D. Shearer	26346-58	15.60	Do.
Hilarion C. Weaver	26346-59	18.00	Do.
Chester M. Singer	26346-57	15.60	Do.
Charles Scott	26346-60	15.60	Do.
Charles J. Fite	26346-61	18.00	Do.
Richard Cordier	28909-19	26.00	Do.
James Otey	28909-20	30.18	Do.
Joseph Baxter	28909-21	50.00	Do.
John F. O'Shannessy	28909-22	26.00	Do.
Thomas R. Morphy	28909-23	26.00	Do.
Julius Reickle	28909-24	26.00	Do
Henry W. A. Prange	28909-26	30.00	Do.
Richard Long	28909-27	45.60	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
William Nash	28909-29	$26.00	Feb. 18, 1907
Roy Ross	28909-31	26.00	Do.
John W. Green	28909-32	60.00	Do.
Alfred J. Mueller	28909-33	26.00	Do.
Eugene Cookendorfer	28909-35	26.00	Do.
Oliver Werkheiser	28909-37	30.00	Do.
Charles J. Hohlbein	28908-47	43.20	Do.
James S. McGinnis	28908-48	26.00	Do.
Joseph P. Johnson	28908-49	31.20	Do.
Charles C. Nourse	28908-50	26.00	Do.
Harrison Goodman	28907-31	26.00	Do.
William L. Lovingfoss	28907-32	26.00	Do.
Robert C. Ladd	28907-33	26.00	Do.
Berry Lowder	28907-34	26.00	Do.
Bert Lehman	28907-35	23.93	Do.
Aurele A. Lucier	28907-36	26.00	Do.
George E. Leipold	28907-37	25.22	Do.
Turner Fox	28907-38	30.00	Do.
Oth M. Fray	28907-39	26.00	Do.
Charles H. Fillmore	28907-40	24.12	Do.
Arthur W. Frey	28907-41	23.67	Do.
William Frawley	28907-42	26.09	Do.
James J. Foley	28907-43	26.00	Do.
Lyel W. Akins	28907-44	26.00	Do.
Marion E. Taber	28907-45	26.00	Do.
Charles A. Mansfield	28907-46	23.74	Do.
Andrew Stouffer	28907-47	38.00	Do.
William H. Mineo	28907-48	35.35	Do.
Charles H. Loring	28907-50	26.00	Do.
John C. Ball	28909-45	26.00	Do.
Albert J. Smith	28909-48	31.20	Do.
Frank Remars	28909-49	31.20	Do.
Thomas Maloy	28909-1	26.00	Do.
Charles L. Montgomery	28909-2	26.00	Do.
John O. Hays	28909-3	36.00	Do.
Harry S. Chandler	28909-5	60.00	Do.
Austin Comerford	28909-6	67.20	Do.
Winfield S. Grove	28909-7	62.40	Do.
James Russell	28909-8	26.00	Do.
David C. Williams	28909-9	28.00	Do.
Richard H. Cooper	28909-10	31.20	Do.
Otto Thiede	28909-11	26.00	Do.
Clarence Gifford	28909-12	26.00	Do.
Charles B. Kimble	28909-14	31.20	Do.
Conrad Baude	28909-15	36.00	Do.
William B. Bond	28909-16	67.20	Do.
John Rybicki	28909-17	38.40	Do.
Claud R. Vanderwert	28909-18	38.40	Do.
John H. Bonham	28909-38	36.00	Do.
Orvie H. Gould	28909-39	26.00	Do.
John Black	28909-40	26.00	Do.
High Clements	28909-41	26.00	Do.
Claud E. Johnson	28909-42	26.00	Do.
Winfield S. Springer	28909-44	26.00	Do.
Carson E. Newhard	28908-28	39.31	Do.
Charles Steinhilber	28908-40	33.60	Do.
William J. Mooney	28908-41	30.08	Do.
Leonidas Duncan	28908-43	16.07	Do.
Charles B. Williams	28908-45	23.89	Do.
Fred Force	26282-32	15.60	Do.
John V. Miller	26282-33	21.60	Do.
William J. Carby	26282-34	15.60	Do.
William Sharp	26282-35	15.60	Do.
Clarence Weber	26282-36	15.60	Do.
George N. Markle	26282-37	18.00	Do.
Oscar B. Ardary	26282-38	15.60	Do.
William G. Rees	26282-39	15.60	Do.
Charles Johnson	26282-40	15.60	Do.
Al Schreck	26282-41	15.60	Do.
Aaron B. Kelly	26282-42	15.60	Do.
Albert L. Truxal	26282-43	18.00	Do.
Edward H. Faust	26282-44	15.60	Do.
Archibald C. Chambers	26282-45	15.60	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
William H. Tampt	26282-47	$15.60	Feb. 18, 1907
Alba M. Apker	26282-48	18.00	Do.
Charles Stratton	26282-50	15.60	Do.
John M. Bunnell	26282-51	15.60	Do.
Rudolph C. Sasse	28220-42	31.20	Do.
Alonzo P. Ingram	28220-46	31.20	Do.
Edwin F. Knight	28220-47	36.00	Do.
Bert E. Costa	28220-48	31.20	Do.
Enos Henry Southwick	28220-50	52.80	Do.
Emri E. Jones	28220-51	36.00	Do.
Earl Washabaugh	28220-52	36.00	Do.
Dewitt G. Duffee	28220-53	31.20	Do.
Joseph Moore	28909-30	326.66	Do.
George A. Torchio	28534	31.20	Do.
Simon L. Thomas	28915	26.00	Do.
John H. Beatty	26723-1	55.20	Do.
Charles H. Roth	26719-3	31.20	Do.
Franklin Sotzin	25184	31.20	Do.
J. F. Schuster, administrator, etc	28606	233.34	Do.
Patrick J. Anderson	26244	35.00	Do.
William Lankenaw	26143	116.67	Do.
Harry D. Delmotte	26319	43.20	Do.
Henry B. Trowbridge	26094	233.34	Do.
William A. McVey	26786	18.00	Do.
John D. Brooks	26376	36.00	Do.
Ezra J. Baney	27019	15.60	Do.
George W. Flood	25925	233.34	Do.
William F. Weiss	25085	43.20	Do.
Charles H. Barr	27949	31.20	Do.
William E. Wolfe	25178	31.20	Do.
Robert E. Sattazahn	26621	31.20	Do.
Christian C. Moyer	27187	31.20	Do.
William J. Wenzel	29585	57.20	Feb. 19, 1907
William H. Barrick	26564	31.20	Do.
Jacob H. Minner	29101	31.20	Do.
Ross V. Huber	28193	31.20	Do.
Frederick H. Reichard	26659	31.20	Do.
Frank W. Schreiber	26674	31.20	Do.
Earl Billig	26572	31.20	Do.
Charles A. Hernandez	28869	18.00	Do.
Otto Kempter	28824	26.00	Do.
William E. Weidner	28501	31.20	Do.
John W. Giles	28485	31.20	Do.
Harry J. Levan	28490	31.20	Do.
Eliphlet C. Baldwin	28917	266.66	Do.
William W. Chadbourne	29164-23	31.20	Do.
Benjamin Sweigart	26692	31.20	Do.
Charles G. Minich	26541	30.42	Do.
Harry B. Miller	28258	31.20	Do.
Claude C. Hoffman	26499	35.20	Do.
Charles S. Garrett	26691	31.20	Do.
Joseph I. Smith	28175	30.67	Do.
William L. Metz	29141	31.20	Do.
Isaac J. Hogentogler	29087	31.20	Do.
Charles W. Gehr	29392	31.20	Do.
William B. Essick	29170	31.20	Do.
Sherman Leonard	29951	30.00	Feb. 20, 1907
Annie E. Tisdell, widow	23586	250.00	Do.
George H. Priest	25741	200.00	Feb. 21, 1907
Joseph S. Frelinghuysen	26582	250.00	Do.
William L. Conrad	27987	233.34	Do.
Eugene H. Coffin	28371½	90.05	Do.
Alfred M. Mason	29158	116.67	Do.
Harry G. Peterson	29216	116.67	Do.
Elliott E. Lambert	28870	291.67	Feb. 25, 1907
Gustavus A. Shourt	26259	116.67	Do.
Halbert R. Bradley	25453	55.20	Do.
William C. Morton	26657	36.00	Do.
David Williams	26961	15.60	Do.
George O. Hubbard	26527	125.00	Do.
Charles E. Frisby	25452	250.00	Do.
Thomas A. O'Keefe	23722	125.00	Do.
Clifford B. Allen	28922	150.00	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
Carlos J. Light	25663	$31.20	Feb. 25, 1907
Hans Folsom	29206	31.20	Do.
Chauncey Wyman	27467	28.45	Do.
Delano E. Burbank	28808	30.93	Do.
Lyle L. Lloyd	29067	31.20	Do.
Allen J. Berger	27050	31.20	Do.
Hayes McKinney	28493	31.20	Do.
Paul J. Barcus	28957	133.33	Do.
Thomas Laurin	26741	15.60	Do.
William H. Norbeck	28998	43.20	Do.
Sarah L. Staman, mother, etc	27291	31.20	Do.
Edmund C. Reichard	28806	31.20	Do.
Matthew O'Connell	29207	31.20	Do.
Frank Anderson	28701	31.20	Do.
Herman J. Abraham	25864	300.00	Do.
Daniel R. Updike	29676	26.00	Do.
Mary R. Awl, administratrix, etc	27868	125.00	Do.
Alfred F. Reed	29164-2	43.20	Do.
Alexander McElwain	29164-4	31.20	Do.
Lester R. Jackson	29164-14	31.20	Do.
Ulysses E. Fortier	29164-21	108.00	Do.
Frank I. Barsolon	29164-22	31.20	Do.
Louis Simon	26721-24	31.20	Do.
Benjamin H. Wallace	26718-9	43.20	Do.
Harry D. Odell	26712-1	36.00	Do.
Frederick G. Suder, jr	26712-2	43.20	Do.
John K. Purcell	26715-2	31.20	Do.
John A. Shoemaker	28089	15.60	Do.
William C. Bauer	28487	31.20	Do.
Gus Dunheimer	28752	31.20	Do.
Richard L. Hobday	28003	31.20	Do.
Charles A. Yufer	28116	21.60	Do.
Marcus D. Jenkins	27106	15.60	Do.
Charles W. Newton	23591	143.75	Do.
George W. Feaser	25499	208.33	Do.
George Tarbuck	25664	60.00	Do.
Wilson I. Lesher	26737	43.20	Do.
Frederick W. Bliesath	26962	31.20	Do.
Adam D. Swope	27911	43.20	Do.
John A. Bergber	28028	15.60	Do.
Lewis E. Perry	28031	21.60	Do.
Charles I. Wenker	28509	31.60	Do.
William F. Lawrie	29212	300.00	Do.
Minnie W. Wage, widow, etc	25715	305.34	Do.
Edward E. Ball	27927	15.60	Do.
Carpenter G. Winslow	28033	30.00	Do.
George C. Judy	26921	15.60	Do.
Andrew A. Lamnick	27962	18.00	Do.
William H. Harm	28010	15.60	Do.
Abram Dennison	27942	31.20	Do.
Harry W. Jodum	28293	15.60	Do.
Gottfried Schmidt	28072	18.00	Do.
James S. Long	26713-13	43.20	Do.
William F. Johnes	26713-7	60.00	Do.
Joel M. Nichols	23539	35.00	Do.
William E. Barnard	24387	250.00	Do.
James J. Walsh	23756	30.00	Do.
Charles G. Bierbower	23939	30.00	Do.
Thomas E. Agnew	24589	89.44	Do.
George C. Crawford	27882	116.67	Do.
Anson L. Bolte	29238	300.00	Do.
James A. Holden	29416	58.33	Do.
Emmett J. Gray	23409	125.00	Do.
M. Felix Wood	23776	150.00	Do.
Thomas S. Keller	23971	250.00	Do.
Walter H. Williams	23935	116.67	Do.
Valeda H. Biddison	24010	166.67	Do.
Julius C. Timson	24598	150.00	Do.
Herman O. Feederle	24738	300.00	Do.
John F. Locke	25518	147.15	Do.
Frank W. Yarnold	26596	31.20	Do.
Ephriam M. Brevard	28548	97.78	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
James E. Messenger	29043	$60.00	Feb. 25, 1907
Charles A. Greene	28589	95.00	Do.
Isaac R. Kirk	29111	250.00	Do.
Gabrielle B. Hoffman, executrix	29151	291.67	Do.
Edwin H. Brown	29154	150.00	Do.
Baxter D. McClain	29156	150.00	Do.
Otis A. True	29157	116.67	Do.
Bradford D. L. Glazebrook	29181	125.00	Do.
Ivar Tidestrom	29183	43.20	Do.
Daniel Fovargue	29085	116.67	Do.
Charley Hevel	29179	15.60	Do.
John I. McKenna	29186	116.67	Do.
Charles A. Garrard	29194	266.66	Do.
William F. Hackett	29218	233.34	Do.
Edward L. Godsall	29214	116.67	Do.
Ivon P. Mahoney	29223	10.92	Do.
George Soller	29229	100.00	Do.
William M. Schofield	29230	166.67	Do.
Frank A. Boyle	29237	34.48	Do.
Frank A. Johnson	27374	150.00	Do.
William H. Sands, jr	27761	31.20	Do.
Charles O. Updyke	24603	250.00	Do.
Charles S. Tindell	26233	116.67	Do.
Edward Fitzgerald	27450-1	15.60	Do.
Edward F. Drake	27450-2	15.60	Do.
George W. Marsh	27450-3	10.32	Do.
John De Hart	27450-4	15.60	Do.
Salvator Faulisi	27450-5	15.60	Do.
Ernest W. Johnson	29925-2	26.00	Do.
James M. Payne	29925-5	31.20	Do.
Louis E. Coppedge	29925-6	26.00	Do.
John B. Blankenship	29925-7	14.44	Do.
Angus M. Baker	29925-8	26.00	Do.
Perry T. Rummage	29925-10	30.00	Do.
Charles Notgrass	29925-11	32.00	Do.
Charles S. Abney	29925-13	36.00	Do.
Charles Sidorfsky	29925-14	45.60	Do.
Robert J. Miller	29925-19	31.20	Do.
William Kenney	29925-20	36.00	Do.
Thomas J. Ackley	29925-21	26.00	Do.
Frank J. O'Malley	29925-22	30.00	Do.
Brady Stople	29925-23	43.20	Do.
Henry Friebel	29925-26	36.00	Do.
George R. Babcock	26713-9	36.00	Do.
John H. Brancard	26713-12	33.36	Do.
Charles F. Holl	28496	36.00	Do.
Charles W. Hare	24383	29.86	Do.
Henry M. Taylor	25005	362.22	Do.
Alfred F. Hodgman	24987	277.80	Do.
Evan R. Williams	23624	150.00	Apr. 8, 1907
George W. Freyermuth	23796	150.00	Do.
Charles H. Castle	24049	166.66	Do.
Edward H. D. Couch	24087	203.33	Do.
Lincoln W. McLeod	26349	250.00	Do.
James W. Ireson	25332	115.00	Do.
Frank C. Hanaford	24922	233.34	Do.
A. W. Hendricker	26911	51.17	Do.
Thomas J. Burke	26959	15.60	Do.
Walker G. Gibbons	27351	15.60	Do.
Joseph Bodleter	27444	174.16	Do.
Charles F. Schlintz	28152	31.20	Do.
George W. Dewald	28657	144.00	Do.
Gregor X. Miller	28673	125.00	Do.
Elmer E. Bruen	28719	31.20	Do.
Walter Falls	28720	31.20	Do.
George C. Rickards	28903	519.45	Do.
Edward J. Grady	27558	25.38	Do.
Albert F. Horne	28231	45.60	Do.
Joseph W. Prew	28222	26.00	Do.
Edward Cormier	28224	31.20	Do.
Etienne de P. Bujac	24707	97.67	Do.
Madison H. Wilson	24759	131.67	Do.
Gregor Mitchell	28370	21.60	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
Frederick W. Hawes	29861	$256.66	Apr. 8, 1907
David J. James	23554	168.96	Apr. 22, 1907
James B. Smith	24264	97.89	Do.
Clyde 3. Ray	29931	33.60	Do.
Lake T. Carter	26714-4	31.20	Apr. 29, 1907
Wade H. Thomas	28906-14	35.43	May 6, 1907
Charles Farmer	29201	166.67	Do.
Richard J. Fanning	27926	166.67	Do.
William R. Engleby	23709	33.17	Do.
Oscar J. Hess	27255	31.20	Do.
Charles F. Berry	28029	18.00	Do.
James Doyle	26717-1	43.20	May 13, 1907
Frederick Bohlig	26720-7	43.20	Do.
George Q. Munson	26720-3	31.20	Do.
Robert Kammerer	26713-11	31.20	Do.
Timothy J. Sullivan	25114	31.20	Do.
James J. Logan	26628	43.20	Do.
W. P. Boland	26713-8	33.12	May 15, 1907
Henry J. Bang	26718-1	31.20	Do.
Frank J. Bang	26718-8	34.68	Do.
Peter J. Bowers	26721-4	31.20	Do.
Margaret Hill, mother, etc	28906-9	26.00	Do.
James A. Cully	23321	233.34	Oct. 21, 1907
James D. Benham	23434	125.00	Do.
George F. Potteiger	23453	266.66	Do.
John H. West	23618	150.00	Do.
Edward A. Holmes	23807	125.00	Do.
Thomas H. Shields	23835	192.52	Do.
William T. R. Bell	23858	150.00	Do.
Frank M. Rumbold	23889	333.34	Do.
Frank L. Cheney	24107	250.00	Do.
Max T. Price	24126	116.67	Do
Peter O. Refsell	24231	150.00	Do.
George F. Summers	24328	125.00	Do.
James T. Smith	24398	150.00	Do.
Isaac N. Layne	24470	166.67	Do.
William M. Hill	24482	300.00	Do.
Charles F. Adams	24529	208.33	Do.
Frederick S. Padgham	24542	250.00	Do.
Louis A. Eaton	24561	95.83	Do.
Waller H. Dade	24661	208.33	Do.
Ella D. Goodyear, administratrix	24847	250.00	Do.
Hilden Olin	24867	233.34	Do.
Herbert E. Bolick	24871	250.00	Do.
Norman E. Beall	25272	83.33	Do.
Charles F. Schaber	25326	250.00	Do.
Joseph W. Good	25336	125.00	Do.
Arthur Shaaff	25435	21.60	Do.
Henry R. Goesser	25625	150.00	Do.
Lorenzo Gimmond	25626	62.50	Do.
Ernest W. Goodell	25628	116.67	Do.
Erwin S. Gowen	25674	150.00	Do.
Charles A. Poff	25685	125.00	Do.
Adam L. Dickson	25737	66.11	Do.
Marion Galloway	25882	54.44	Do.
Oscar P. Yeager	25885	300.00	Do.
Clement S. Edwards	25983	150.00	Do.
Braxton B. MacDonell	26031	125.00	Do.
Arthur E. Octhoudt	26117	97.22	Do.
James H. Wells	26589	416.67	Do.
Harry B. Walker	26958	125.00	Do.
George H. Tilden	27081	125.00	Do.
James C. Martin	27082	300.00	Do.
William M. Louden	27581	150.00	Do.
Americus H. Woodward	27984	150.00	Do.
Humes C. Laughlin	28046	149.50	Do.
William E. Brown	28092	36.00	Do.
Oscar D. Hapgood	28544	233.34	Do.
Louis Edward Rule	28584	31.20	Do.
G. Arthur Hadsell	28651	125.00	Do.
Charles N. Hinman	28901	233.34	Do.
Edgar B. Tolman	29126	416.66	Do.
Geo. L. Woods, executor	29131	233.34	Do.
Francis H. Lomax	29174	35.76	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
Lincoln S. Gallion	29160	$60.00	Oct. 21, 1907
Edward D. Johnston	29219	125.00	Do.
Robert S. Dement	29235	125.00	Do.
Graph J. Hubbard	29366	75.00	Do.
Harry L. Pitkin	29364	116.67	Do.
Edward C. Butler	29396	122.22	Do.
Taylor M. Reagan	29417	125.00	Do.
Dennis J. Fitzpatrick	28796	31.20	Do.
Harry A. Lambert	28797	36.00	Do.
Walter Shay	25813	31.20	Do.
John E. Swan	25889	31.20	Do.
Asa B. Chandler	28889-5	43.20	Do.
Henry H. Saunders	23595	150.00	Do.
Evan Russell	23661	150.00	Do.
Arthur H. Bronson	23684	150.00	Do.
Fred J. Smalles	24410	233.34	Do.
John R. Hutchings	24413	150.00	Do.
William R. Boyce	24672	125.00	Do.
John Torpey	25111	31.20	Do.
W. F. Bertsch, jr	25115	31.20	Do.
Edward M. Freiler	25116	31.20	Do.
Joseph C. Zerwick	25133	31.20	Do.
Edward W. Starr	25128	31.20	Do.
John E. Zimmerman	25159	31.20	Do.
John W. Garis	25160	31.20	Do.
David P. Workman	25183	31.20	Do.
Albert J. Merklin	25383	83.33	Do.
George C. Waldo	25372	83.33	Do.
Frank Wahl	25455	233.33	Do.
Walter Child	25502	75.00	Do.
Hans Hanson	25508	31.20	Do.
John O'Conner	25706	15.60	Do.
Samuel W. Jefferis, jr	25720	139.58	Do.
William T. L. Davis	25744	30.00	Do.
William Metzger	25753	31.20	Do.
Elias D. Salbury	25763	15.00	Do.
Dunham Barton	25791	89.44	Do.
Frank D. Probst	25827	18.00	Do.
William McClintock	25828	15.60	Do.
John Campbell	25829	15.60	Do.
Theodore W. Evans	25837	244.79	Do.
Charles E. Butters	25863	333.33	Do.
Sanford J. Parker	25893	208.33	Do.
Luke E. Hemenway	25924	250.00	Do.
John G. Minnick	25928	54.00	Do.
W. M. Westenhagen	25938	15.60	Do.
Charles A. McCague	25955	116.67	Do.
John S. Franze	25985	15.60	Do.
David F. Allen	26043	100.00	Do.
Howard I. Machlin	26049	18.00	Do.
Harris L. Moore	26092	100.00	Do.
Gilbert M. Elliott	26164	133.33	Do.
Harry J. Darrah	26199	21.60	Do.
George H. Schroeder	26203	15.60	Do.
George O. Goward	26223	31.20	Do.
Frank E. Pickles	26225	15.60	Do.
Alfred Cahen	26251	15.60	Do.
Emma J. Crippen	26252	45.83	Do.
Edward F. Kendall	26260	116.67	Do.
Robert Berry	26266	125.00	Do.
Sadie Grier	26267	100.00	Do.
Gains B. Rich, jr	26274	62.50	Do.
John G. Ennis	26371	21.60	Do.
John J. Riley	26373	15.60	Do.
William W. Fickes	26410	31.20	Do.
Charles T. Bohlen	26490	31.20	Do.
William Fitzpatrick	26516	15.60	Do.
John Fitch	26519	31.20	Do.
Albert T. Kiscaden	26539	27.04	Do.
Frederick J. Baldinger, jr	26545	14.96	Do.
Robert W. Herr	26549	31.20	Do.
William C. A. Kaufhold	26606	31.20	Do.
Caroline Bagenstose	26618	31.20	Do.
Lester A. Partridge	26632	12.60	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
George M. Peters	26650	$31.20	Oct. 21, 1907
Wesley M. McCloskey	26679	18.00	Do.
William Fassett	26682	15.60	Do.
George Kitch	26690	31.20	Do.
John Getz	26785	15.60	Do.
Robert McCloskey	26795	15.60	Do.
Harry A. Weaver	26802	31.20	Do.
Phaon E. Sheidy	26830	36.00	Do.
Isaac N. Weidler	26844	31.20	Do.
John F. Walsh	26867	15.29	Do.
Alice A. Underwood	26872	31.20	Do.
George A. Rick	26876	31.20	Do.
Joseph E. Walton	26913	15.60	Do.
Louis Schmidt	26914	18.00	Do.
William P. Ramsey	26915	18.00	Do.
David S. Yates	26923	31.20	Do.
Arthur C. Harris	27000	15.60	Do.
Carl R. Savage	27039	31.20	Do.
Harry C. Broome	27062	31.20	Do.
Samuel Spence	27063	31.20	Do.
Emma M. Hoats	27101	31.20	Do.
William Sterling	27113	31.20	Do.
John V. Caffrey	27139	15.60	Do.
Harry S. Schuck	27166	60.00	Do.
Ed. Knutson	27174	60.00	Do.
Horace W. Dennis	27182	31.20	Do.
John P. Clancey	27250	15.60	Do.
Gifford L. Dunkle	27278	15.60	Do.
Edward S. Potts	27318	31.20	Do.
Julius Beutzen	27410	35.44	Do.
Michael J. Purcell	27416	31.20	Do.
Margaret W. Smith	27426	291.67	Do.
Henry L. Green	27428	15.60	Do.
Hugh Bartlett	27430	31.20	Do.
Harvey E. Zeigler	27436	31.20	Do.
Elias Maki	27439	31.20	Do.
Frank McGowan	27459	15.60	Do.
Charles P. Gant	27486	250.00	Do.
A. F. Mathews	27499	43.20	Do.
Dayton H. Hinds	27518	31.20	Do.
Richard Lasch	27520	31.20	Do.
George W. Scheible	27638	20.17	Do.
Charles W. Barstow	28647	150.00	Do.
Howard M. Reutschler	27863	31.20	Do.
Fred A. Schulz	28889-3	31.20	Do.
Isaac I. Fox	27920	26.00	Do.
Melvin H. Gemmill	27933	31.20	Do.
John A. Seachrist	27943	31.20	Do.
J. Clarence Kline	27993-15	31.20	Do.
William H. Diehl	27952	31.20	Do.
William L. Langel	27993-13	31.20	Do.
Charles Wolf	27993-18	31.20	Do.
John H. Hamilton	27997	15.60	Do.
Joseph H. Chambers	27998	15.60	Do.
Harry F. Bower	27799	55.20	Do.
John E. Moltz	28017	15.60	Do.
Harry M. Cass	28075	31.20	Do.
William Williams	28120	15.60	Do.
William G. Johnston	28135	18.00	Do.
Edward M. Killinger	28136	18.00	Do.
John F. Manion	28137	150.00	Do.
John W. Thomas	28139	31.20	Do.
Jacob Mager	28151	31.20	Do.
George E. Steinhauer	28153	31.20	Do.
Robert G. Rosen	28188-13	10.23	Do.
Harry B. Beckhart	28233	31.20	Do.
Walter W. Yates	28259	15.60	Do.
Charles S. Horton	28351	6.09	Do.
Edward L. Leiby	28469	31.20	Do.
John R. Coller	28579	31.20	Do.
Charles G. Miller	28473	36.00	Do.
Harry B. Foreman	28474	36.00	Do.
Clarence W. Heckman	28486	31.20	Do.
George A. Sands	28499	36.00	Do.

Judgments in claims of officers and enlisted men of the Spanish war for extra pay—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
Thomas J. Barrett	28602	$30.00	Oct. 21, 1907
William E. Gardner	28622	51.92	Do.
John Muschal	28645	31.20	Do.
Sylvester Kanjorski	28675	31.20	Do.
Frank M. Shortall	28706	31.20	Do.
Howard A. Romig	28722	31.20	Do.
William L. Stevenson	28723	31.20	Do.
Charles J. Harlow	28746	233.34	Do.
Dennis J. McCauley	28889-12	31.20	Do.
Louis M. Peeper	28889-14	43.20	Do.
Lyman D. Imhof	28898	31.20	Do.
George W. Fehlman	28933	15.60	Do.
Charles A. Quin	28946	30.27	Do.
Frank W. Chamberlain	28960	15.60	Do.
Robert L. McDonell	28969	31.20	Do.
Olof Stromburg	28981	31.20	Do.
Charles E. Kochenderfer	28990	31.20	Do.
Samuel E. Brommer	28991	36.00	Do.
William H. Wright	28999	31.20	Do.
John R. Hannun	29005	31.20	Do.
Harry M. Samuels	29007	31.20	Do.
Harry H. Shaffer	29008	31.20	Do.
Henry M. Warfield	29054	208.33	Do.
Sarah L. Krawl	29056-12	31.20	Do.
Cyrus Peffer, jr	29056-16	31.20	Do.
Rudolph J. Sherk, jr	29056-17	31.20	Do.
Charles S. Welsh	29057	31.20	Do.
Walter H. Klopp	29064	31.20	Do.
Harrison S. Berry	29065	36.00	Do.
Henry A. Schmidt	29073	15.60	Do.
Mary E. Mill	29086-2	43.20	Do.
William H. Pearson	29088	15.60	Do.
Edward Hogentogler	29100	31.20	Do.
Richard F. Englehardt	29164-11	31.20	Do.
Harry Kaiser	29165	31.20	Do.
Francis C. DeVeaux	29169	116.67	Do.
Patrick Gibbons	28004	113.44	Do.
James E. Reavis	25401	89.44	Do.
Henry Terrell	29536	26.00	Do.
William E. Cabell	29200	150.00	Oct. 28, 1907
Howard S. Dearing	29249	208.33	Do.
Frederick S. Howes	29276	150.00	Do.
William L. Young	29291	250.00	Do.
Frederick W. Harrison	29283	116.67	Do.
William C. Hayes	23469	250.00	Do.
John W. Tobin	23938	88.89	Do.
George W. Rickeman	24463	116.67	Do.
John A. Huhne	26023	250 00	Do.
Harvey F. Smith	26282-46	15.60	Do.
Edith Twigg	26282-49	15.60	Do.
William W. H. Felding	26342-47	15.60	Do.
Howard C. Badgley	26581	166.66	Do.
Lansford F. Sherry	26752	166.67	Do.
Carlyle L. Burridge	27090	81.17	Do.
Onesime F. May	28909-36	25.93	Do.
John A. Swedberg	28909-51	31.20	Do.
Charles H. Shaffry	28909-57	31.20	Do.
William B. Young	28909-59	50.40	Do.
Nathan S. Jarvis	29152	125.00	Do.
Caldwell K. Biddle	29178	150 00	Do.
James C. Albritton	29373	125 00	Do.
Samuel R. Birdsey, jr	24027	150.00	Do.
Margaret J. Fahey, sister of Patrick J. Ryder	28827-48	26.00	Do.
Angie P. Grabham, mother of Myron J. Grabham, deceased	28909-43	26.00	Do.
Herbert H. Sargent	24743	140.00	Do.
Thomas C. Chalmers	24955	198.88	Do.
Etta J. Bergen, widow, etc	25570	208.33	Do.
Thomas W. Hislop	25733	146.78	Do.
Lafayette A. Dorrington	25777	125.00	Do.
William H. Brown	28619	396.00	Do.
Oscar Knipe	25109	15.60	Do.
Charles P. Seifert	25371	36.00	Do.
Carrie M. Brewster, widow of William J. Brewster	25995	250.00	Do.

JUDGMENTS

IN REMUSTER CASES, UNDER THE ACT OF CONGRESS APPROVED FEBRUARY 24, 1897, ENTITLED "AN ACT TO PROVIDE FOR THE RELIEF OF CERTAIN OFFICERS AND ENLISTED MEN OF THE VOLUNTEER FORCES" (29 Stat. L., 593).

Name of claimant.	No.	Amount awarded.	Date of judgment.
John M. Bonine	22635	$125.00	Dec. 3, 1906
Isaac N. Merrifield	27307	68.74	Do.
Louisa Campbell, widow	21413	37.65	Do.
S. M. Crandall	23163-750	60.17	Do.
Isaac N. Chinowth	23163-766	307.06	Do.
Laura D. Fitzhugh, widow	23163-919	10.63	Do.
S. F. Driskill, administrator	23163-1083	66.69	Do.
Nettie Ranton, widow	23163-4326	443.53	Do.
Moses Gill	21537	25.00	Dec. 10, 1906
Ada Vanpelt, widow	23163-3909	338.40	Do.
E. M. Drane, administrator	23163-1077	351.77	Do.
Fannie Grider, administratrix	23163-1522	133.39	Do.
Louis C. Chatham	23163-696	345.25	Do.
J. W. Hampton, administrator	23163-4360	264.30	Do.
James M. Adams	23163-4269	195.72	Do.
Jacob W. Stoner	23163-3652	321.92	Do.
Estate of Michael Billings	23163-354	168.12	Do.
John Gault, jr	23163-4264	18.76	Do.
Margaret R. Beach, widow	23163-4427	23.04	Do.
Tinie Wells, widow	23163-4020	72.87	Do.
Dietrich C. Smith	23163-3518	64.84	Do.
Heirs of F. G. Schoenen	23163-3332	73.45	Do.
James F. Peyton	23163-2964	56.27	Do.
James H. O'Brien	23163-2817	15.39	Do.
Edward A. Kinney	23163-4398	8.36	Do.
William S. Long	23163-2253	156.32	Do.
Sarah E. Hawley, widow	23163-1673	78.49	Do.
Woodie Hale, daughter	23163-1556	142.18	Do.
Willie T. Davidson, widow	23163-963	172.24	Dec. 17, 1906
Peter P. Brown	23163-488	104.48	Do.
Fidelia Boyd, widow	23163-155	43.82	Do.
Luther P. Bradley	23163-250	151.05	Do.
Ellen Belt, widow	23163-306	281.75	Do.
Josephine Hamilton, widow	21758	54.27	Do.
Susie Dutton, administratrix	21837	16.40	Do.
James S. Burk	21508	40.81	Dec. 24, 1906
John S. Hardin, administrator	23163-1612	96.74	Jan. 21, 1907
John W. Kane	23163-2038	63.00	Do.
George T. Shackelford	23163-3384	161.96	Do.
Elizabeth D. Van Dyke, widow	23163-3890	72.38	Do.
J. E. Robinson, administrator	23163-3455	85.54	Do.
B. S. Landram, administrator	21895	192.36	Do.
Archibald R. Rue	21812	607.63	Jan. 28, 1907
Ahimaaz H. Chambers	22370	23.44	Do.
Charles D. Moore	21669	60.20	Do.
Mary Lida Estes, administratrix	21497	68.70	Do.
Joshua W. Davis	23163-4911	50.00	Do.
Anna T. Morgan, widow	23163-5224	23.98	Do.
Anna Campbell, widow	23163-5205	71.66	Do.
Agnes F. Rush, widow	23163-3257	179.21	Do.
Ellen Smith, widow	23163-5167	459.95	Do.
Ella Q. Parrish, widow	23163-2905	36.83	Do.
Mollie Francisco, widow	23163-1320	52.50	Do.
Julia V. Long, widow	23163-3819	52.39	Do.
Isabella Kiefer, widow	21890	112.83	Feb. 4, 1907
Henry H. Hill	21882	146.27	Do.
Lucinda A. Sirwell et al	23163-3459	289.13	Do.
William A. Carson, administrator	23163-657	409.13	Do.

Judgments in remuster cases, under the act of Congress approved February 24, 1897 etc.—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
Ohio Valley Banking and Trust Co., administrator	23163-79	$122.18	Feb. 4, 1907
Leander J. Stephenson	23163-3623	363.36	Do.
J. Q. Claywell, son, etc	23163-738	25.73	Do.
Gains L. Burk	23163-533	17.50	Do.
Virginia Bryant, widow	23163-584	31.53	Do.
Edward Knoble	23163-2142	283.17	Do.
Henry C. Connelly	23163-831	389.09	Do.
Jesse O. Goodwin	23163-1481	25.00	Do.
R. G. Binns, administrator	23163-3653	341.64	Do.
W. S. McClanahan, administrator	23163-4341	184.55	Do.
Elizabeth McWilliams et al	21755	199.32	Feb. 7, 1907
Christopher C. Jackson	21542	32.40	Do.
George M. Barnett, administrator	21592	707.07	Do.
Nancy E. Carter, widow	21948	147.00	Do.
John W. Siler	21926	213.33	Do.
Louis Landram, administrator	21562	415.61	Do.
Pauline Fournier, sister	23163-2769	77.73	Do.
James S. Case	23163-663	91.15	Do.
George W. Z. Black	23163-226	42.86	Do.
J. O. Beck, administrator	23163-287	96.74	Do.
John H. Gould	23163-1468	23.98	Do.
Isaac E. Gray	23163-1506	48.09	Do.
Almeda Hewitt, widow	23163-1749	160.79	Do.
Mason C. Miller	23163-2497	55.12	Do.
Stephen Transue	23163-3837	26.69	Do.
Alice C. Weit, widow	23163-4008	28.29	Do.
Emma A. Webster, widow	23163-4285	222.34	Do.
John Dunn	23163-4622	36.85	Do.
Armin Stein, administrator	23163-3613	126.77	Do.
William Garner	23163-1392	111.00	Do.
John M. Cook	23163-4335	647.65	Feb. 18, 1907
Lena Harris, administratrix	23163-1078	96.42	Do.
The Kentucky Bank and Trust Company, administrator	23163-4354	225.81	Do.
Alfred C. Hailey	23163-1557	44.45	Do.
William P. Bacon	23163-133	225.20	Do.
John W. Mercer, administrator	23163-2470	336.60	Do.
Fannie D. Steele	23163-1071	47.33	Do.
Eugenia D. Park	23163-1071	47.33	Do.
Ethelbert Dowden	23163-1071	47.34	Do.
Elizabeth McCue, widow	23163-2064	279.51	Do.
Claudius Tifft	23163-3795	53.36	Do.
William M. Dayton	23163-4260	8.34	Do.
Robert H. Armstrong	23163-91	110.57	Do.
Deborah A. Barlow, daughter	23163-4385	116.60	Do.
John M. Billingsley	23163-4345	92.80	Do.
Robert A. Edwards	23163-1140	30.40	Do.
William M. De Hart	23163-4585	64.98	Do.
Horace P. Breed	23163-337	6.50	Do.
William P. Breed	23163-337	6.50	Do.
George D. Breed	23163-337	6.51	Do.
Stephen N. Hinman	23163-6117	25.00	Do.
Martha A. Crain, widow	23163-4386	54.71	Do.
Stephen D. Sayles	23163-3314	25.60	Do.
Birney E. Shaw	23163-3403	25.00	Do.
Madison G. Nixon	23163-5001	37.77	Do.
Edward C. Euston	23163-5065	32.79	Do.
Benjamin T. Riggs	23163-4262	55.50	Do.
Edward Hilpp	23163-1781	109.39	Do.
Frederick Rectanus	23163-3115	33.74	Do.
William J. Ankeny	23163-5390	13.97	Do.
Harriet Greenawalt	23163-5390	13.98	Do.
Frederick Cronert	23163-897	64.18	Do.
Lewis Wolfley	23163-4172	140.00	Do.
E. M. Howard, administrator	21531	306.40	Do.
Lou M. Tervin, widow	23163-307	22.74	Do.
John M. King	23163-2099	24.17	Do.
R. J. Dooley	23163-2099	24.17	Do.
Ann Perkins	23163-2099	24.18	Do.
Frank Armstrong	23163-2099	12.09	Do.
Mary Armstrong	23163-2099	12.09	Do.
Matthew Mullins	23163-2594	199.33	Do.
Dennis T. Kirby	23163-2124	449.65	Do.

Judgments in remuster cases, under the act of Congress approved February 24, 1897, etc.—Continued.

Name of claimant.	No.	Amount awarded.	Date of judgment.
Haviland Tompkins	23163-3817	$160.93	Feb. 18, 1907
John E. Denton	21819	77.22	Do.
Sallie E. Denton	21819	77.23	Do.
Hannah A. Curran, widow	21839	393.71	Do.
Kitty Tyler, administrix	21930	564.31	Do.
Ruth Decker	23163-2518	24.32	Feb. 21, 1907
Maggie Gordon	23163-2518	24.33	Do.
Byrd C. Monroe	23163-2518	16.22	Do.
George P. Monroe	23163-2518	16.22	Do.
Adell P. Smith, heirs, etc	23163-2518	16.21	Do.
Alfred D. Nash	23163-2747	39.65	Do.
Lulu D. Russell, widow	23163-3263	20.84	Do.
William E. Oldham	23163-2836	25.84	Do.
James H. Russell	23163-3268	72.66	Do.
Andrew J. Holbrook	23163-4388	84.90	Feb. 25, 1907
Maud H. Hamilton, widow	23163-4423	213.77	Do.
Basil C. Wheat et al	23631-4634	71.46	Do.
Noah H. Pratt	23163-4926	50.00	Do.
Harry F. Radmore et al	23163-5387	106.80	Do.
Thomas A. Elkin	23163-1154	129.48	Do.
Edward A. Billheimer et al	23163-5395	205.35	Do.
George W. Alexander	23163-5105	117.29	Do.
Ad. Adams, administrator	21952	231.65	Do.
Rudolphil E. Jetter	21467	154.62	Do.
Lawrence H. Rousseau	21441	114.70	Do.
William H. Powell	23163-4389	118.77	Do.
William B. Craddock	23163-741	168.84	Do.
Mary H. Bruce, widow	23163-370	24.13	Do.
William R. Davidson	23163-966	36.93	Do.
Josephine C. Fairgrieve, widow, etc	23163-1206	104.01	Do.
William H. Hoyt	23163-1880	234.60	Do.
Anna Fennan, widow	23163-1255	40.76	Do.
Harrison M. Hurt	23163-1932	130.18	Do.
Mondora Higgins, widow	23163-2000	134.60	Do.
George F. Lods	23163-2245	191.46	Do.
Lydia A. Robinson, widow	23163-3201	50.83	Do.
Joseph Gardner	23163-4316	29.77	Do.
George F. Robinson	23163-4387	32.84	Do.
Ada M. Moyers et al	23163-4934	29.36	Do.
Elvira H. Kempton, widow	23163-5173	20.05	Do.
Daniel H. Powers	23163-5321	175.57	Do.
Charles Mackenzie	23163-5236	147.12	Do.
Jennie D. Rutherford, widow	23163-5327	52.50	Do.
John W. Robbins	21573	164.69	Do.
Robert M. Kelly	21602	47.18	Do.
Sarah J. Scoville, widow	21498	76.74	Do.
Christiena E. Smith, widow	21532	15.60	Do.
Albert C. Houghton	23163-1853	50.00	Do.
Emma C. Jameson	23163-1969	71.56	Do.
Thomas S. Moffatt	23163-2518	44.13	Do.
John R. Randolph, administrator	23163-3102	442.03	Do.
Warren L. Smith	23163-3551	50.45	Do.
Joseph B. Williams	23163-4129	25.00	Do.
William F. Blanchard	23163-4536	25.00	Do.
Hazel Cramer	23163-4549	25.51	Do.
Elvira D. Gregg, widow	23163-4556	35.89	Do.
Joseph Harvey	23163-4560	102.10	Do.
Mathias C. Mills	23163-4762	63.65	Do.
Emma E. Eberhart, widow	23163-4970	25.95	Do.
E. G. Guttery, administrator	21993	344.58	Do.
Mary Paullus, widow	28523	81.94	Do.
James B. Harrison	21889	229.53	Do.
Jessie Wolf	23163-1125	203.00	Do.
Elisha C. Hibbard	23163-1706	26.97	Do.
Reuben C. Kise	23163-2130	72.61	Do.
Paul C. Stillman	23163-3637	52.42	Do.
John Q. Owsley	23163-4299	221.40	Do.
Alexander C. Shafer	23163-6152	78.87	Do.
George P. Stone	23163-3647	349.20	Do.
Daniel White	23163-4066	118.27	Do.
Clem Funk	21604	106.78	Do.
Daniel R. Rozell	23163-2948	25.00	Do.
Lizzie Brough et al	23163-4526	55.57	Do.

CASES DISMISSED

OR DISCONTINUED ON MOTION OF CLAIMANT; BY STIPULATION OF PARTIES, OR FOR WANT OF PROSECUTION.

Claimant.	No.	Claimant.	No.
Harry Withworth	27929	H. W. Hoffweister	23163-1807
Arasmus M. Rule	28671	Joseph D. Hazzard	23163-1695
Thomas E. Carroll	28710	John S. Abercrombie	23163-6
Charles J. Allison	29819	William J. Worthington	21521
Samuel M. Sickles	29901	Maurise H. Blanchard	28889-18
Robert P. Hill	29904	Herman R. Okre	28889-19
Thomas J. Reedy	29967-1	Charles Mondy, jr	29056-21
Joseph B. McFeigul	29967-2	Senor A. Phillippis	29056-22
Arthur B. Schwab	29967-3	Robert A. Warner	29056-23
Ed. G. W. Ferguson	29967-4	Robert F. Garrett	29056-20
John Muller	29967-5	Samuel J. Adams	29056-24
John P. Young	29898	Harry A. Link	29086-12
Leonard L. Simpson	29980	Samuel E. Grant	28853-15
James Hartgrove	28721	William H. Heckman	29778
Frank F. Hess	28747	John Hulton	29780
Emil O. Hartig	29695	Oscar C. Neff	29786
Edward J. Butler	24636	Louis Nispel	29788
Robert J. Kirk	24635	Julius Schertzinger	29791
John Schenck	24274	Elmer A. Amey	29760
Charles V. Stevens	24271	Jay H. Brockway	29762
John H. Emerick	23912	John A. Dunlap	29768
Hiram Addison	28674	Alfred Harp	29776
John B. Scheller	29792	Fred A. Hedger	18606
Henry C. Weibel	29795	J. M. Boal	18744
Peter Bartsch	29896	Juliet Freeman	18602
John S. Ramey	29892	W. M. Freeman	18603
George D. Becker	29891	John Tuigey	18012
Julia McQuillon	28698	Ira Buzan	18605
Charles W. McCaffrey	29172	P. L. Maroney	18608
Alvin Dice	29767	J. F. Holcomb	19858
Kate A. Flagg	29772	H. L. Hedger	18612
Wm. L. Sassaman	29790	R. Hess	18610
David McBride	29164-6	W. J. Newman	18010
Mattie Wallace	23163-2128	S. P. Abell	18854
John E. Holman	23163-1823	H. R. Wentworth	18745
John H. Danks	23163-969	George Witcher	18604
Nathaniel D. Wilmot	23163-4110	J. Burnap	18609
Charles H. Thompson	23163-3778	S. H. Coffee	18611
Ulric Sloane	23163-3509	L. Y. Coy	17924
James S. McNeill	23163-2731	Edwin Parsons	18739
Robert McFarlane	23163-2687	Robert Nelson	18738
Borden M. Hicks	23163-1751	Town of Portsmouth, R. I.	22881
Isabella S. Dobson	23163-1044	F. J. Kimball and Henry Fink	20802
James P. Carroll	23163-649	Harry W. Krumm	27988
Sallie D. Quigley	23163-4699	Thomas P. Williams	24489
Sarah E. Kay	23163-5301	William S. Davis	24962
William G. Dudley	23163-1093	George N. Smith	26611
Belle C. Fisher	23163-2409	John Cooke	29577
Bridget Porter	23163-2828	Fred Crawley	29540
Loantha J. Brenton	23163-5379	Newton A. Baker	29873
Oliver O. Howard	23163-5340	Daniel R. Updike	29676
Louisa Storm	23163-4034	Willoughby Ahlum	29759
George C. Tichenor	23163-3794	Warren G. Brown	29763
Silas C. Thomas	23163-3774	F. V. Burrows	29764
James P. Spillman	23163-3590	Howard S. Filbert	29770
Simon Putman	23163-3078	William C. Labold	29783
A. Sanders Platt	23163-2981	Clemens J. Laskorski	29784
Henry B. Maglathlin	23163-2467	George W. McDevitt	29785
Frederick H. Miller	23163-2414	Albert J. Gore	29909
Ole Jacobson	23163-1965	Daniel Hill	29779

Cases dismissed or discontinued on motion of claimant; by stipulation of parties, or for want of prosecution—Continued.

Claimant.	No.	Claimant.	No.
Charles E. Johnson	29781	James P. Bradley	23163-247
Robert E. Nimmo	29787	John W. Baker	23163-149
Harry T. Steiner	29793	Cornelia A. Chalfant	23163-674
William A. Trump, jr	29794	Hampton Flanery	23163-1273
John D. Anderson	29761	Lemuel W. Gee	23163-1411
Martin A. Cavanaugh	29765	John A. Hayden	23163-1678
Orange M. Franz	29774	Margaret Sam, sister	23163-1578
Wm. F. Heckinberger	29777	M. A. Higginbottom, widow	23163-1763
James G. Hedley	26870	William C. Irvine	23163-1954
James L. Kerr	29385	Ebenezer Knight	23163-4548
Henry De H. Waite	29226	Alfred Halstead	23163-4533
Richard A. Preston	29538	M. A. Williams, widow	23163-4125
William H. Shutan	29578	R. W. Whittington	23163-4078
Frank S. De Witt	29643	James C. Whitten	23163-4061
Charles J. Lee	29883	Elkanah W. Wynn	23163-4211
Margaretha Storck	21908	William S. Waugh, estate of	23163-3989
George H. Shockey	21906	William L. Travis	23163-3838
Joseph T. Hopkins	29388	A. B. Lindenberger, widow	23163-3487
Turner Bartley	21825	James B. Seaton	23163-3363
David Bacon	21826	H. J. Sandridge, widow	23163-3296
James W. Defevers	21849	Patrick S. Reeves	23163-3143
Alfred J. Higgins	21999	John Landram	23163-2164
Peter S. Bruner	21843	Herman Knoll	23163-2137
Peter J. Hiatt	21686	C. M. Hammond, administrator	23163-1814
James H. Sperry	21904	James T. Higgins	23163-1759
Bernard A. Reinold	27203	Emma S. H. Cilley	23163-789
Thomas G. Carswell	27086	George W. Chandler	23163-681
Roberts G. Guthrie	28653	Champness D. Butler, estate of	23163-562
George M. Mycroft	25982	Porter H. Calvert	23163-606
Rufus C. Elder	24617	Wellington G. Beyerle	23163-330
Adrian W. Mather	25738	Warren Onan	23163-2847
Eliza J. Wilson, widow	22361	Eliza J. Houston, widow	23163-1860
Robert Y. Thomas	21927	Ella L. Deweese, widow	23163-1019
S. R. Kimbly, widow	21888	Joseph Hinson	23163-1789
Francis N. Alexander	21845	Walter B. King, heirs of	23163-5212
Templeton P. Martin	21769	Albert F. Dow	23163-1073
Wm. D. James	21751	Daniel R. Collier	23163-5398
Isaac Smith	28908-26	William T. Patton	23163-5396
Henry B. Foster	23781	Hallock Armstrong	23163-5393
Emanuel N. E. Kirkeby	28907-49	William S. Foster	23163-5392
Alfred J. Grossman	28908-25	Charles W. Gibbs	23163-5391
John Black	28909-47	William C. Brummett	23163-5113
Joseph F. Korth	28909-34	John S. Phelps	23163-2971
Addison Forsha	28183-1	Thomas J. Pekes	23163-2937
Edward Cormier	28909-18	Leonidas Smith	23163-5417
John M. Frame	23163-1326	John H. Spurrier	23163-5439
Hobard Townsend	23163-3831	Henry Green	23163-1510
Est. Hubbard K. Milward	23163-4263	James S. Deland	23163-1000
Daniel M. Stahl	23163-3597	Minerva Hammer, widow	23163-1590
Levi N. Woodside	23163-4194	Ellsworth N. Phelps	23163-2969
Wisner Park	23163-2900	Cornelius N. Hogle	23163-5388
Duvall English	23163-1177	Louisa N. Corning, widow	23163-5394
Est. Edw. W. Brown	23163-467	Hiram Hines	23163-1787
Leonard H. Mahan	23163-2314	James N. Haskins	23163-1850
Est. John S. Van Marter	23163-3894	Johanna H. Haups, widow	23163-1856
John P. Campbell	23163-619	James E. Hubbell	23163-1885
Benjamin S. Ford	23163-1387	Ogg Niel	23163-2785
Elizabeth Goodin	23163-1475	David C. Thomas	23163-3763
Hawkins Brown	23163-474	John M. Southworth	23163-5377
W. H. Anderson	23163-70	Mary W. Little, widow	23163-2237
William Higgins	23163-1762	Josephine Campbell, widow	23163-4727
Thomas J. Lovelace	23163-3582	Turner Anderson	23163-74
Wm. M. Robinson et al	23163-3197	Chloe Fuller, widow	23163-1363
Thomas H. Carson	23163-656	John W. Headington	23163-1707
Eliza Pattee, widow	23163-2912	Henry C. Williamson	23163-4100
Mary T. Penick, widow	23163-2945	Israel B. Owens	23163-5397
Jennie E. Roark, widow	23163-3186	Alice L. Bullock, widow	23163-516
Doctor G. Shepherd	23163-3415	Paul Fricke	19385
Louise S. Skaggs, widow	23163-3505	William Grimes	20550
James L. Sublette	23163-3685	James C. Clarke	20876
John W. Lucas	23163-2282	Llewlyn Spigner	20877
Mary F. Loyal, widow	23163-2256		
Samuel B. Littlepage	23163-2239		

Cases dismissed or discontinued on motion of claimant; by stipulation of parties, or for want of prosecution—Continued.

Claimant.	No.	Claimant.	No.
J. F. Harrison	21150	Lullis A. Rottanzo	24999
Timothy J. Leahy	21465	Robert N. Wisue	25001
M. H. Norman	22973	Edward F. Waddle	25006
William Brown	18342	Joseph P. Rankin	18092
John Rumbold	18391	R. D. Mayo, executor	23206
James K. Ayres	19485	Laura M. Boyer, executrix	23236
Robert C. Ellis	20816	Vincent H. Henderson	23239
Frank Thoma	20848	Henrietta M. Johnson	23238
Charles A. Garter	20885	Richard D. Mayo et al	23239
Miles O'Riley	20971	Richard D. Mayo, administrator	23240
Harry Ehresman	21144	Edwin M. Pointer et al	23241
Fames Stillman	16935	Francis J. Robinson	23242
John H. Weems	19399	F. J. Robinson, administratrix	23243
T. Raynor Fogell	19570	Fannie M. Black	23244
Vincent S. Wade	20870	Bingley P. Jackson	23245
Samuel C. Hegginson	21302	Thomas D. Chumm	23250
James H. Hughes	21304	Fannie L. Lambert et al	23251
Fred W. Graff	21305	John J. Mayo	23252
Mary B. Crane et al	21310	Thomas L. Mathews	23260
John W. Reed	21317	William O. Peter	23268
Sylvester White et al	21323	Thomas Kornegay et al	23269
Henry D. Lewis	21324	Tim M. Cartwright	23285
Elizabeth F. Crisp	21329	Benjamin L. Edes	16452
W. C. Wanson et al	21340	Charles H. Pierce, deceased	14233
Sidney J. Corby	21341	William E. Smith et al	23108
L. L. Wood	21344	Charles W. Hobb	22781
Carrie Van Buskirk	31349	Benjamin J. Lockwood	23866
B. F. McCarty et al	21350	Thomas A. Conner	22771
Daniel J. Chary	21351	William A. Gowerly	22650
Edmund J. Slattery et al	21358	James R. Witt	22548
Carrie H. Trufant et al	21359	Anna C. Keach et al	21427
George C. Dornfield	21364	James B. Colgrove	21098
Edward E. Barthelemy	21365	G. Paulding et al	20879
W. N. Moore	21367	Jessie Benton Fremont	18046
John D. McKenzie et al	21368	Thomas J. Clabby et al	17705
Harvey E. Patrick et al	21371	Terence Martin	21137
Emma Haslup et al	21374	Fremont, Elkhorn and Missouri Valley R. R. Co	24911
Michael J. Keating	21385	Sioux City and Pacific R. R. Co	24912
Rida L. Ladd	21403	Alabama Great Southern R. R. Co	24921
George B. Johnson et al	21971	Southern Pacific Co	23701
Mary F. Lenon	22009	John Shipman	16613
Albert W. Crawford	22498	Elias Howard Parsons	18378
Samuel J. Kellogg	22531	W. H. Thomas	21734
James Beck	22539		
Allen Stuart	22660		
L. W. Spratling	22949		
Philip F. Harvey	24936		
Albert W. Preston	24967		
Louis J. Stuber	24977		

O

FINDINGS IN CASE OF SCHOONER LARK

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER LARK, JONA. A. HALL, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Lark*, Jona. A. Hall, master.

I am, very respectfully yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat L., 283. Vol 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Lark*, Jona. A. Hall, master.]

No. of case.	Claimants.
2314.	Daniel W. Camp, administrator of Samuel Frothingham, *v.* The United States.
2315.	William A. Knowles, administrator of Jona. A. Hall, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by George G. Sill, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER EAGLE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER EAGLE, JOHN LAMBERT, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Eagle*, John Lambert, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Eagle*, John Lambert, master.]

No. of case.	Claimant.
3503.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1855 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER ADEONA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER ADEONA, D. H. HENCHMAN, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Adeona*, D. H. Henchman, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, schooner *Adeona*, D. H. Henchman, master.]

No. of case.	Claimants.
3377.	John N. A. Griswold, trustee of the Columbian Insurance Company, *v.* The United States.
3820.	Peter F. Schliecker, administrator of John M. Burt, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, and John H. Merrill, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1855 (23 Stat. L., 283).

BY THE COURT.

Filed, October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH.
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER AMERICANA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER AMERICANA, MICHAEL PIERCE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December, 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Americana*, Michael Pierce, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement [to R. S., 2d ed., 471. Vessel, schooner *Americana*, Michael Pierce, master.

No. of case.	Claimant.
3386.	John N. A. Griswold, trustee of the Columbian Insurance Company, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER BETSIE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER *Betsie*, GEORGE HASTIE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Betsie*, George Hastie, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d Ed., 471. Vessel, schooner *Betsie*, George Hastie, master.]

No. of case.	Claimants.
459.	The President and Directors of the Insurance Company of North America *v.* The United States.
487.	The Insurance Company of the State of Pennsylvania *v.* The United States.
1339.	Henry Pettit, administrator of Andrew Pettit, et al, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were heard before the Court of Claims on the 19th day of March, 1907. The claimants were represented by Wm. T. S. Curtis, Theodore J., Pickett, and Thomas Stokes, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSIONS OF FACT.

The court upon the evidence and after hearing the arguments and considering the same, determine the facts to be as follows:

I. The schooner *Betsie*, George Hastie, master, sailed on a commercial voyage on or about April 29, 1800, from Philadelphia, bound for Cape Francais. While peacefully pursuing said voyage she was captured on the high seas on May 17, 1800, by the French privateer *L' Union*, plundered of a quantity of dry goods, wines, cordage, etc., manned by a prize crew, and ordered to proceed to Guadaloupe. On May 22, 1800, she was recaptured by the United States frigate *Philadelphia*, ordered to St. Christopher's, and there delivered to the custody of David M. Clarkson, United States naval agent, for the collection of salvage. Salvage was awarded in the amount of one-eighth of the value of the vessel and cargo.

II. The *Betsie* was a duly registered vessel of the United States of 94$\frac{15}{95}$ tons burden, was built at Barnstable, Mass., in 1796, and was owned solely by Thomas Jones and Stephen Smith, citizens of the United States.

III. The cargo of the *Betsie* consisted of provisions, dry goods, soap, claret, etc.

Jones & Smith were the owners of a consignment of soap, candles, lard, butter, tobacco, etc., of the value of at least $1,240.54, exclusive of premiums of insurance.

Richard Milne was the owner of a consignment of two trunks of ginghams, of the value of at least $1,176, the amount of insurance effected thereon.

Martin & Holmes were the owners of a consignment of 4 hogsheads of tobacco, of the value of $309.85, exclusive of premiums of insurance.

James Hutton was the owner of a consignment of lard, hams, and candles.

Nicholas Diehl & Son were the owners of a consignment of pork and flour, of the value of $768.75, exclusive of premiums of insurance.

James and Robert Adams were the owners of a consignment of soap, lard, hams, and candles.

John Slesman was the owner of a consignment of claret, of the value of at least $1,470, the amount of insurance effected thereon.

Samuel Archer was the owner ot a consignment of dry goods, of the value of $3,550.20, exclusive of premiums of insurance.

George Hastie was the owner of an adventure of merchandise, of the value of $440.96, exclusive of premiums of insurance.

IV. April 29, 1800, Jones & Smith effected insurance on the vessel in the amount of $3,000, in the office of the Insurance Company of North America, paying therefor a premium of 13½ per cent. Thereafter said insurance company paid the said insured $2,940 for a total loss, less an abatement of 2 per cent. Subsequently said insurance company recovered $1,172.35 under the abandonment executed by the insured, reducing the loss of said company on said policy to $1,767.65.

May 24, 1800, Jones & Smith effected insurance on the vessel in the sum of $500 in the office of the Insurance Company of the State of Pennsylvania, paying therefor a premium of 7½ per cent. Thereafter said insurance company paid the insured $490 in full for a total loss, less the customary 2 per cent abatement. Subsequently said insurance company recovered $200.41, under the abandonment executed by the insured, reducing the loss of said company on said policy to the net amount of $289.59.

April 29, 1800, Jones & Smith effected insurance on the cargo in the amount of $3,000 in the office of the Insurance Company of North America, paving therefor a premium of 13½ per cent. Thereafter said insurance company paid the insured $2,940, being in full for a total loss, less the customary 2 per cent abatement. Subsequently said insurance company recovered $2,128.46, under the abandonment executed by the insured, reducing the loss of said company on said policy to the sum of $811.54.

May 24, 1800, Jones & Smith effected insurance on the cargo in the amount of $1,500 in the office of the Insurance Company of the State of Pennsylvania, paying therefor a premium of 7½ per cent. Thereafter said insurance company paid the insured $1,470, for a total loss, less the customary 2 per cent abatement. Subsequently said insurance company recovered $1,041, under an abandonment executed by the insured, reducing the loss of said company on said policy to $429.

April 22, 1800, Richard Milne effected insurance on cargo in the amount of $1,200 in the office of the Insurance Company of North America, paying therefor a premium of 14 per cent. Thereafter said insurance company paid the insured $1,176, in full for a total loss, less the customary 2 per cent abatement.

April 25, 1800, Martin & Holmes effected insurance on cargo in the sum of $360 in the office of the Insurance Company of North America, paying therefor a premium of 13½ per cent. Thereafter said insurance company paid the insured $352.80, in full for a total loss, less the customary 2 per cent abatement. Said cargo was worth $309.85, and was overinsured in the sum of $42.95.

May 5, 1800, Nicholas Diehl & Son effected insurance on cargo in the sum of $800 in the office of the Insurance Company of North America, paying therefor a premium of 7½ per cent. Thereafter said insurance company paid the insured $784, being in full for a total loss, less the customary 2 per cent abatement. Subsequently said insurance company recovered $613.95, reducing said company's loss on said policy to $170.05. Said cargo was worth $768.75 and was overinsured in the sum of $15.25. Amount recoverable is therefore $154.80.

James & Robert Adams effected insurance on cargo in the office of the Insurance Company of North America. There is no proof of American citizenship of said James & Robert Adams, and no recovery based upon their loss can be maintained.

May 3, 1800, Keen & Stillwell, as agents for George Hastie, effected insurance on cargo in the sum of $600 in the office of Shoemaker & Berrett, paying therefor a premium of 13½ per cent. The policy was underwritten as follows:

Samuel Meeker..... $600.00

Thereafter Shoemaker & Berrett, as agents, paid the insured $534.54 for a general average loss of 89.09 per cent. Said cargo was worth $440.96 and was overinsured in the sum of $93.58.

May 8, 1800, John Slesman effected insurance on cargo in the sum of $1,500 in the office of Shoemaker & Berrett, paying therefor a premium of 13½ per cent, the policy being underwritten as follows:

Ambrose Vasse	$750.00
Morgan & Price	750.00

Thereafter Shoemaker & Berrett, as agents, paid the insured $1,470, being in full for a total loss, less the customary 2 per cent abatement.

May 23, 1800, Samuel Archer effected insurance on the cargo in the sum of $4,000 in the office of Shoemaker & Berrett, paying therefor a premium of 13½ per cent, the policy being underwritten as follows:

Miller & Murray	$1,000.00
Ebenezer Large	500.00
Pettit & Bayard	800.00
William Waln	500.00
Daniel W. Coxe	500.00
William Read & Co	700.00

Thereafter Shoemaker & Berrett, as agents, paid the insured $3,920, being in full for a total loss, less an abatement of 2 per cent. Said cargo was worth $3,550.20 and was overinsured in the sum of $369.80. The losses to the above underwriters on this policy were therefore as follows:

Miller & Murray	$887.55
Ebenezer Large	443.78
Pettit & Bayard	710.04
William Waln	443.77
Daniel W. Coxe	443.77
William Read & Co	621.29

V. The losses by reason of the capture of the *Betsie* were as follows:

Insurance Company of North America	$4,219.84
Insurance Company of the State of Pennsylvania	718.59
Samuel Meeker	440.96
Ambrose Vasse	735.00
Morgan & Price	735.00
Miller & Murray	887.55
Ebenezer Large	443.78
Pettit & Bayard	710.04
William Waln	443.77
Daniel W. Coxe	443.77
William Read & Co	621.29
	10,399.59

VI. The firm of Morgan & Price was composed solely of Benjamin Morgan and Chandler Price, said Chandler Price being the surviving partner of the firm.

The firm of Miller & Murray was composed solely of William Miller and Alexander Murray, said Alexander Murray being the surviving partner of the firm.

The firm of Pettit & Bayard was composed solely of Andrew Pettit and Andrew Bayard. Said Andrew Pettit was the survivor of the firm.

The firm of William Read & Co., was composed solely of William Read and Matthew Pearce. Said William Read was the survivor of the firm.

The Insurance Company of North America was and is duly incorporated under the laws of the State of Pennsylvania.

The Insurance Company of the State of Pennsylvania was and is duly incorporated under the laws of the State of Pennsylvania.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Betsie*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions

of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

The president and directors of the Insurance Company of North America, four thousand two hundred and nineteen dollars and eighty-four cents	$4,219.84
The Insurance Company of the State of Pennsylvania, seven hundred and eighteen dollars and fifty-nine cents	718.59
Frederick W. Meeker, administrator of Samuel Meeker, four hundred and forty dollars and ninety-six cents	440.96
Charles D. Vasse, administrator of Ambrose Vasse, seven hundred and thirty-five dollars	735.00
A. Louis Eakin, administrator of Chandler Price, surviving partner of Morgan & Price, seven hundred and thirty-five dollars	735.00
George W. Guthrie, administrator of Alexander Murray, surviving partner of Miller & Murray, eight hundred and eighty-seven dollars and fifty-five cents	887.55
William Mifflin, administrator of Ebenezer Large, four hundred and forty-three dollars and seventy-eight cents	443.78
Henry Pettit, administrator of Andrew Pettit, surviving partner of Pettit & Bayard, seven hundred and ten dollars and four cents	710.04
Richard C. McMurtrie, administrator of Daniel W. Coxe, four hundred and forty-three dollars and seventy-seven cents	443.77
William R. Fisher, administrator of William Read, surviving partner of William Read & Co., six hundred and twenty-one dollars and twenty-nine cents	621.29
	9,955.82

Amounting in all to nine thousand nine hundred and fifty-five dollars and eighty-two cents.

Thomas Jones, Stephen Smith (firm of Jones & Smith); Robert C. Martin, Abel Holmes (firm of Martin & Holmes); James Hutton; Nicholas Diehl, John Diehl (firm of Nich. Diehl & Son); Robert Adams, James Adams (firm of James & Robert Adams); Richard Milne; John Slesman; Samuel Archer; and George Hastie, are not in court.

William Waln is indebted to the United States Government on certain unpaid bonds. This indebtedness being greater than the amount of his claim herein, his administrator is entitled to no recovery.

BY THE COURT.

Filed April 1, 1907.
A true copy.
Test this 25th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER DOLPHIN

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER DOLPHIN, SOLOMON NORTON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Dolphin*, Solomon Norton, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Dolphin*, Solomon Norton, master.]

No. of case.	Claimant.
1547.	Charles F. Adams, administrator of Peter C Brooks, *v.* The United States.
2029.	Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, *v.* The United States.
4559.	Samuel Abbott Fowle, administrator of George Makepeace, *v.* The United States.
5026.	John H. Moriarity, administrator of James Scott, *v.* The United States.
5512.	William A. Hayes, 2nd, administrator of Eliphalet Ladd, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, Thomas J. Homer, and John St. C. Brookes, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1855 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 90

FINDINGS IN CASE OF SCHOONER MARY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER MARY, JOHN APPLETON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Mary*, John Appleton, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Mary*, John Appleton, master.]

No. of case.	Claimant.
115.	Geo. F. Bemis, administrator of Nehemiah Parsons, *v.* The United States.
1750.	Thomas J. Homer, administrator of Benjamin Smith, *v.* The United States.
2234.	The Massachusetts Fire and Marine Insurance Company *v.* The United States.
2401.	Horace B. Sargent, jr., administrator of Daniel Sargent, *v.* The United States.
3190.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.
3336.	Horace B. Sargent, jr., administrator of Daniel Sargent, *v.* The United States.
3575.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
5030.	John H. Moriarity, administrator of James Scott, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett and Thomas J. Homer, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 91

FINDINGS IN CASE OF SCHOONER REGULATOR, THOMPSON, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER REGULATOR, NATHANIEL THOMPSON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Regulator*, Nathaniel Thompson, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Regulator*, Nathaniel Thompson, master.]

No. of case.	Claimants.
114.	John Morton Clinch, administrator of Perez Morton, *v.* The United States.
3633.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
4226.	John Morton Clinch, administrator of Perez Morton, *v.* The United States.
4935.	Edward M. Ketcham, administrator of Nicholl Fosdick, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett and Cragin & Butterfield, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER MARY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER MARY, JOHN APPLETON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

---

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Mary*, John Appleton, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Mary*, John Appleton, master.]

No. of case.	Claimant.
115.	Geo. F. Bemis, administrator of Nehemiah Parsons, *v.* The United States.
1750.	Thomas J. Homer, administrator of Benjamin Smith, *v.* The United States.
2234.	The Massachusetts Fire and Marine Insurance Company *v.* The United States.
2401.	Horace B. Sargent, jr., administrator of Daniel Sargent, *v.* The United States.
3190.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.
3336.	Horace B. Sargent, jr., administrator of Daniel Sargent, *v.* The United States.
3575.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
5030.	John H. Moriarity, administrator of James Scott, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett and Thomas J. Homer, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER REGULATOR, THOMPSON, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER REGULATOR, NATHANIEL THOMPSON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Regulator*, Nathaniel Thompson, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Regulator*, Nathaniel Thompson, master.]

No. of case.	Claimants.
114.	John Morton Clinch, administrator of Perez Morton, *v.* The United States.
3633.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
4226.	John Morton Clinch, administrator of Perez Morton, *v.* The United States.
4935.	Edward M. Ketcham, administrator of Nicholl Fosdick, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett and Cragin & Butterfield, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER NANCY, ATHEARN, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER NANCY, WILLIAM ATHEARN, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Nancy*, William Athearn, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to. R, S. 2d ed., 471. Vessel schooner *Nancy*, William Athearn, master.]

No. of case.	Claimants.
1546.	Charles F. Amams, administrator of Peter C. Brooks, *v.* The United States.
2048.	Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, *v.* The United States.
2889.	Jeanette P. Watson, administratrix of George Watson, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 93

FINDINGS IN CASE OF SCHOONER SALLY, STEPHENSON, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER SALLY, LUTHER STEPHENSON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Sally*, Luther Stephenson, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Sally*, Luther Stephenson, master.]

No. of case.	Claimants.
2650.	John F. Simmons, administrator of Luther Stephenson, *v.* The United States.
3642.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
4196.	Charles F. Hunt, administrator of Joseph Russell, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907 The claimants were represented by George A. King and Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1891, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 94

FINDINGS IN CASE OF SCHOONER LITTLE SALLY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER LITTLE SALLY, WILLIAM WHITMARSH, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

---

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Little Sally*, William Whitmarsh, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Little Sally*, William Whitmarsh, master.]

No. of case.	Claimants.
1816.	Charles F. Admams, administrator of Peter C. Brooks, *v.* The United States.
2477.	H. B. Sargent, jr., administrator of Daniel Sargent, *v.* The United States
3566.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
3567.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
3715.	Archibald M. Howe, administrator of Edward H. Robbins, *v.* The United States.
4214.	The Massachusetts Fire and Marine Insurance Company, *v.* The United States.
5008.	John H. Moriarity, administrator of James Scott, *v.* The United States.
5010.	John H. Moriarity, administrator of James Scott, *v.* The United States.
5275.	Charles E. Barry, administrator of Arthur Fessenden, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Curtis & Pickett, Thomas J. Homer, and J. P. Cilley, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER LYDIA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER LYDIA, GEORGE BRADISH, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

---

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Lydia*, George Bradish, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Lydia*, George Bradish, master.]

No. of case.	Claimant.
1024.	Charles A. Ropes et al., administrators of Benjamin Ropes, *v.* The United States.
1797.	George Bradish, administrator of George Bradish, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Edward Lander and Edmund L. Baylies, and the United States, defendant, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH.
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER KITTY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL, SCHOONER KITTY, JACOB SINGLETON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

---

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel, schooner *Kitty*, Jacob Singleton, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, schooner *Kitty*, Jacob Singleton, master.]

No. of case.	Claimant.
834.	The President and Directors of the Insurance Company of North America *v.* United States.
1992.	Ormes B. Keith, surviving executor of Samuel Keith, *v.* United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 18th day of March, 1907. The claimants were represented by Thomas Stokes, esq., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General, Josiah A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence, and after hearing the arguments and considering the same, with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Kitty*, Jacob Singleton, master, sailed on a commercial voyage on or about May 11, 1797, from Philadelphia, bound to Kingston, Jamaica. While peacefully pursuing said voyage, she was captured on the high seas May 28, 1797, by the French privateer *Les Trois Republicaines*, and sent into Santiago, Cuba. The vessel and cargo were condemned by the commission at Cape Francois on June 11, 1797, whereby the vessel and cargo became a total loss to the owners thereof.

The grounds of condemnation, as set forth in the decree, were as follows:

That the vessel was proceeding to Jamaica, an English port. That the cargo was English property.

II. The *Kitty* was a duly registered vessel of the United States of 90 tons burthen, was built at Choptank, Md., in the year 1791, and was owned by the firm of William and Samuel Keith, citizens of the United States and residing in Philadelphia.

III. The cargo of the *Kitty* at the time of capture consisted of corn meal, rice, lard, shooks, hoops, staves, and lumber, and was owned by William and Samuel Keith.

Jacob Singleton, the master, also had an adventure on board, the value of which was in excess of the amount of insurance effected thereon.

IV. The loss of William and Samuel Keith by reason of the capture and condemnation of the *Kitty* was as follows:

Value of vessel		$2,700.00
Freight earnings		1,192.00
Value of cargo		2,918.00
Premium of insurance paid on vessel		405.00
Premium of insurance paid on value of cargo		437.70
Amounting in all to		7,652.70
Less insurance paid on vessel	$2,646.00	
Less insurance paid on cargo	3,544.94	
		6,190.94
Net loss to William and Samuel Keith		1,461.76

V. May 12, 1797, William and Samuel Keith insured the vessel in the sum of $2,700 in the office of the Insurance Company of North America, paying therefor a premium of 15 per cent. Thereafter said insurance company paid the said William and Samuel Keith the sum of $2,646, for a total loss as aforesaid, less an abatement of 2 per cent

May 12, 1797, William and Samuel Keith insured the cargo in the sum of $3,700 in the office of the Insurance Company of North America, paying therefor a premium of 15 per cent. Thereafter the said insurance company paid to William and Samuel Keith the sum of $3,544.94 on said policy, but the actual value of said cargo being only $2,918, the said cargo was therefore overinsured in the sum of $626.94.

May 12, 1797, William and Samuel Keith, as agents for Jacob Singleton, insured said Singleton's property and effects on board in the sum of $300 in the office of the Insurance Company of North America, paying therefor a premium of 15 per cent. Thereafter the said insurance company paid the said Keiths, on behalf of said Singleton, the insured, the sum of $294, being for a total loss as aforesaid, less an abatement of 2 per cent.

VI. The losses to the Insurance Company of North America by reason of the seizure and condemnation aforesaid were as follows:

Amount paid William and Samuel Keith on vessel		$2,646.00
Amount paid said Keiths on cargo	$3,544.94	
Less over insurance on cargo	626.94	
		2,918.00
Amount paid Jacob Singleton on property and effects		294.00
Total loss to Insurance Company of North America		5,858.00

VII. The firm of William and Samuel Keith was composed solely of said William and Samuel Keith, said Samuel Keith being the surviving partner.

The Insurance Company of North America was duly incorporated under the laws of the State of Pennsylvania.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Kitty*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France, concluded on the 30th of April, 1803. They were not claims growing out of the acts of France, allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain, concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants in their representative capacity are the owners of said claims, which have never been assigned, except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United

States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

Ormes B. Keith, surviving executor of Samuel Keith, surviving partner of the firm of William and Samuel Keith, one thousand four hundred and sixty-one dollars and seventy-six cents	$1,461.76
The president and directors of the Insurance Company of North America, five thousand eight hundred and fifty-eight dollars	5,858.00
	7,319.76

Amounting in all to seven thousand three hundred and nineteen dollars and seventy-six cents.

Jacob Singleton, the master and owner of an adventure on board, is not in court.

BY THE COURT.

Filed April 1, 1907.
A true copy.
Test this 25 day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER LIVELY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER LIVELY, WESTON SPOONER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Lively*, Weston Spooner, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Lively*, Weston Spooner, master.]

No. of case.	Claimant.
1381.	Brooks Adams, administrator of Peter C. Brooks, *v.* The United States.
1605.	Francis M. Boutwell, administrator of Thomas Geyer, *v.* The United States.
2041.	George G. King, administrator of Crowell Hatch, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 12th day of March, 1907.

The claimants were represented by William T. S. Curtis and Theodore J. Pickett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Lively*, Weston Spooner, master, sailed on a commercial voyage from Kingston, Jamaica, on the 18th day of July, 1797, bound for Boston.

While peacefully pursuing said voyage she was seized on the high seas on the 29th day of said month by the French privateer *Republique Triomphante*, Captain Du Buque, and sent to Habana under the command of a prize master. The master of the *Lively* was removed from on board his vessel and taken on the privateer, which arrived at Habana on the 10th day of August following. The master of the *Lively* on the 11th day of the said month of August, together with his crew, were ordered on shore without being given anything but their clothes, and all the papers appertaining to

his vessel were taken from Captain Spooner and their return upon his demand therefor was refused, and upon application to the French consul that they "be given something to eat" the same was denied them. In this condition Captain Spooner was compelled to raise money in the name of his merchant to supply the urgent needs of himself and crew. The master abandoned his vessel and made his way home. He arrived in New York on or about the 31st of said month, twenty days after making protest at Habana, and again protested against the French captor turning him on shore and refusing to return to him his papers upon demand and the detention of the vessel and papers.

It appears from the evidence that the *Lively* sailed from Jamaica with a fleet under an English convoy, but that she parted from said convoy on the 20th of July, or nine days before she was seized by the French privateer.

No condemnation is produced and no grounds of condemnation are shown.

II. The *Lively* was a duly registered vessel of the United States of $58\frac{44}{95}$ tons burthen, built in Plymouth, Mass., in the year 1783, and was owned solely by Thomas Geyer, James Powers, and Weston Spooner, citizens of the United States residing in Massachusetts, in equal proportions.

III. The cargo of the *Lively* at the date of seizure consisted of rum, sugar, and coffee, and was owned solely by Thomas Geyer.

CONCLUSION OF LAW.

The court decides as conclusion of law that said seizure is not shown to have been illegal, nor is it shown that the master was deprived of any right of defense he may have had in the event of prize proceedings looking to a condemnation of the vessel, and therefore no allowance is made.

BY THE COURT.

Filed April 1, 1907.
A true copy.
Test this 5th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER HOPE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER HOPE, JOSEPH TYLER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Hope*, Joseph Tyler, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Hope*, Joseph Tyler, master.]

No. of case.	Claimant.
3098.	Charles W. Morss, administrator of Joseph Tyler, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by Amos Noyes, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER HANNAH

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER HANNAH, BENJAMIN DIGHTON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Hannah*, Benjamin Dighton, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Hannah*, Benjamin Dighton, master.]

No. of case.	Claimants.
51.	William Gray, administrator of William Gray, *v.* The United States.
2321.	Edward E. Bourne, administrator of Jacob Fisher, *v.* The United States.
	Stephen F. Fairfield, administrator of William Taylor, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Charles W. Claggett and Edwin B. Smith, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER FOUR BROTHERS

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER FOUR BROTHERS, THOMAS EASTMAN, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Four Brothers*, Thomas Eastman, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d Ed., 471. Vessel, schooner *Four Brothers*, Thomas Eastman, master.]

No. of case. Claimant.

840. Charles W. Long, administrator of Nathan Long, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by Amos Noyes, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed, October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER HARRIET

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER HARRIET, CROCKER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Harriet*, Crocker, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, schooner *Harriet*, Crocker, master.]

No. of case.	Claimant.
3253.	John N. A. Griswold, trustee of the United Insurance Company, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907. The claimant was represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed, October 28, 1907.
A true copy.
Test this 15th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER MARTIN

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER MARTIN, NATHANIEL WILLIAMS, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Martin*, Nathaniel Williams, master.

I am, very respectfully yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Martin*, Nathaniel Williams, master.]

No. of case. Claimant.

3695. Emeline Ripley, administrator of Nathaniel Williams, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by Edward Lander, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed, October 28, 1907.
A true copy.
Test this 15th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG OLIVER PEABODY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG OLIVER PEABODY, EPHRAIM AMAZEEN, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Oliver Peabody*, Ephraim Amazeen, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Oliver Peabody*, Ephraim Amazeen, master.]

No. of case.	Claimants.
2136.	Frederick P. Jones, administrator of Martin Parry, *v.* The United States.
4144.	Charles C. Hoyt, administrator of Samuel Chamberlain, *v.* The United States.
5467.	David G. Haskins, administrator of John T. Gilman, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by A. H. Cragin and J. S. Blair, and the United States, defendant, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed, October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG HERO

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG HERO, STEPHEN WEBSTER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Hero*, Stephen Webster, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d Ed., 471. Vessel brig *Hero*, Stephen Webster, master.]

No. of case.	Claimants.
325.	George Turner, administrator of Stephen Webster, *v.* The United States.
4094.	Zacheus P. Thurlow, administrator of Paul Thurlow, *v.* The United States.
4360.	Joseph W. Thompson, administrator of David Coffin, *v.* The United States.

These cases were tried by the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Wm. T. S. Curtis, Amos Noyes, and J. W. Butterfield, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG SALLY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG SALLY, ANTHONY STOW, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Sally*, Anthony Stow, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885: 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Sally*, Anthony Stow, master.]

No. of case.	Claimants.
1747.	George G. Sill, administrator of Charles Pond, *v.* The United States.
2911.	The New Haven Insurance Company *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by George A. Sill and A. H. Cragin, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG MOSES MYERS

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG MOSES MYERS, HENRY CONWAY, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Moses Myers*, Henry Conway, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Moses Myers*, Henry Conway, master.]

No. of case.	Claimants.
3226.	John N. A. Griswold, trustee of the United Insurance Company, *v.* The United States.
4030.	J. L. Hubard, administrator of William Pennock, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, and Simon Lyon, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

FINDINGS IN CASE OF BRIG POLLY AND FANNY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG POLLY AND FANNY, WILLIAM MCNEILL, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Polly and Fanny*, William McNeill, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Polly and Fanny*, William McNeill, master.]

No. of case.	Claimants.
1203.	Charles F. Adama, administrator of Peter C. Brooks, *v.* The United States.
1302.	The President and Directors of the Insurance Company of North America *v.* The United States.
2255.	Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, *v.* The United States.
2919.	The New Haven Insurance Company *v.* The United States.
4943.	Simon Tomlinson, administrator of Samuel and Abijah Hull, William Mansfield, and Liberty Kimberly, *v.* The United States.
	Maria L. Seymour, administratrix of Sheldon Curtis, *v.* The United States.
	John F. Plumb, administrator of John Humphreys, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, J. Bayard Henry, and A. H. Cragin, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

FINDINGS IN CASE OF BRIG ONTARIO

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG ONTARIO, JAMES HUMPHREYS, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Ontario*, James Humphreys, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Ontario*, James Humphreys, master.]

No. of case.	Claimants.
2918.	The New Haven Insurance Company *v.* The United States.
4944.	Simon Tomlinson, administrator of Samuel and Abijah Hull, William Mansfield, Russell Tomlinson, and Liberty Kimberly, *v.* The United States.
	Maria L. Seymour, administratrix of Sheldon Curtis, *v.* The United States.
	John F. Plumb, administrator of John and James Humphreys, *v.* The United States.
	Ellen L. Engles, administratrix of Leman Stone, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by A. H. Cragin and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG HOPE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG HOPE, JOSEPH BRIGHT, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Hope*, Joseph Bright, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Hope*, Joseph Bright, master.]

No. of case.	Claimant.
805.	The President and Directors of the Insurance Company of North America *v.* The United States.
1349.	Francis A. Lewis et al., administrators of Peter Blight et al., *v.* The United States.
1832.	E. Francis Riggs, administrator of James Lawrason, deceased, surviving partner of Shreve & Lawrason, *v.* The United States.
2130.	Lawrence Stabler, administrator of William Hartshorne, deceased, remaining partner of William Hartshorne & Sons, *v.* The United States.
2628.	William C. Hill, surviving executor of William W. Corcoran; James M. Johnston, surviving administrator of George W. Riggs; and Robert S. Chew, administrator of Richard Smith, *v.* The United States.
4385.	Julian T. Burke, administrator of George Taylor, deceased, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 20th day of March, 1907.

The claimants were represented by William T. S. Curtis, Theodore J. Pickett, John St. C. Brookes, and Thomas Stokes, and The United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The brig *Hope*, Joseph Bright, master, sailed on a commercial voyage on or about May 19, 1797, from Alexandria, Va., bound for Martinico and St. Croix. While peacefully pursuing said voyage she was captured on the high seas June 22, 1797, by the French privateer *Le Pandour*, Captain Gariscan, and carried into Jacqmel, Hispaniola. On July 6, 1797, the vessel and cargo were condemned as good prize by the Commission of the French Government sitting at Cape Francois.

The sole ground of condemnation, as stated in the decree, was as follows:

"That the vessel was bound for Martinico, which island had been declared by a decree of the Commission to be in a state of siege."

II. The *Hope* was a duly registered vessel of the United States, of 160 tons burthen, built at Falmouth, Mass., in 1783, and owned by the firm of Shreve & Lawrason, composed of Benjamin Shreve and James Lawrason; the firm of William Hartshorne & Sons, composed of William Hartshorne, William Hartshorne, jr., and Mordecai Miller; George Slacum and Abram Hewes, in the following proportions: The firm of Shreve & Lawrason, one-sixth part; the firm of William Hartshorne & Sons, one-half part; George Slacum, one-sixth part; and Abram Hewes, one-sixth part. All of said persons were citizens of the United States and residents of Alexandria, Va.

III. The cargo of the *Hope* at the time of seizure consisted of flour, crackers, and shingles, and was owned by Edward Dunant, Joshua Gilpin, and Mordecai Miller, all citizens of the United States.

IV. The losses by reason of the capture and conde nnation were as follows:

Value of vessel	$4,000.00
Freight earnings	2,690.00
Value of cargo (to amount of insurance paid)	11,552.52
Premium of insurance paid on vessel and freight	64.50
Amounting in all to	18,307.02

V. The loss to Shreve & Lawrason was as follows:

One-sixth value of vessel	$666.67
One-sixth value of freight earnings	448.3[illegible]
Premium of insurance paid	64.5[illegible]
Amounting in all to	1,179.50
Deduct insurance received	430.00
Net loss	749.50

The loss to William Hartshorne & Sons was as follows:

One-half value of vessel	$2,000.00
One-half value of freight earnings	1,345.00
Net loss	3,345.00

VI. The firm of Shreve & Lawrason effected insurance on the vessel and freight in the sum of $430, of which amount George Taylor assumed $125, being insurance on the vessel. Thereafter the firm of Shreve & Lawrason received the sum of $430, being in full for a total loss as aforesaid.

May 24, 1797, Edward Dunant, for himself and Joshua Gilpin, effected insurance in the office of the Insurance Company of North America on the cargo in the sum of $6,000 paying therefor a premium of 12½ per cent. Thereafter said insurance company duly paid the said assured the sum of $5,917.52, being in full for a total loss, less certain charges.

May 24, 1797, Edward Dunant, for himself and Joshua Gilpin, effected through the office of Shoemaker & Berrett insurance on the cargo, but no proof is made that payment of the above policy was made, either by the underwriters or by Shoemaker & Berrett as their agents.

May 24, 1797, Edward Dunant, for himself and Joshua Gilpin, effected insurance, through the office of Wharton & Lewis, on the cargo in the sum of $5,750, paying therefor a premium of 12½ per cent, said policy being underwritten by the following-named

persons, who, as far as they appear in court, are citizens of the United States, each in the sum set opposite his name, respectively:

Peter Blight	$500	Thomas & John Clifford	$500
Samuel Blodgett	500	John G. Wachsmuth	500
Thomas Murgatroyd	500	Abijah Dawes	400
John Leamy	500	James Crawford & Co	500
Thomas & Eli Canby	500	Charles Pettit	850
John Savage	500		

Thereafter Wharton & Lewis, as agents for the underwriters, paid to said assured the sum of $5,635, being in full for a total loss on the above policy, less an abatement of 2 per cent, being a loss to said underwriters of 98 per cent of the amount underwritten by them, respectively.

About July, 1831, said George Taylor, being unable to pay his debts in full, executed an assignment to the president, directors, and company of the Bank of the United States, a corporation chartered by act of Congress approved the 10th day of April, 1816, "his claims against the Government of the United States for French spoliations committed prior to the treaty of the 30th September, 1800," a schedule of which was attached, and included "claims as underwriter." Said assignment was to the use of the several parties named, in payment and discharge of their respective demands against him, and in proportion thereto, as follows:

Bank of the United States	$5,870.05
Bank of Alexandria	900.00
Bank of Potomac, say	750.00
Indorser, N[athaniel] W[attles[	4,500.00
John Corse	350.00
Total	12,370.05

Subsequently, to wit, March 2, 1836, said Bank of the United States, chartered by act of Congress, as aforesaid, assigned and transferred, among other property, to the bank of the same name, chartered by an act of assembly of the Commonwealth of Pennsylvania, the said claim of said Bank of the United States, chartered by act of Congress, as aforesaid, against the said George Taylor, and said spoliation claims of said Taylor, then held by said Bank of the United States, chartered by act of Congress, as collateral security for the said Taylor's debt, as aforesaid.

Subsequently, to wit, May 1, 1841, said Bank of the United States, chartered by act of assembly of the Commonwealth of Pennsylvania, as aforesaid, assigned and transferred, among other property, to James Dundas, Mordecai D. Louis (Lewis), Samuel W. Jones, Robert L. Pitfield, and Robert Howell the said claim of said Bank of the United States, chartered by act of Congress, against the said George Taylor, and said spoliation claims of said George Taylor, then held by said Bank of the United States, chartered by act of Congress, as collateral security for the said Taylor's debt, as aforesaid.

Subsequently, to wit, August 29, 1846, said James Dundas, Mordecai D. Louis (Lewis), Samuel W. Jones, Robert L. Pitfield, and Robert Howell, by deed, assigned and transferred to said William W. Corcoran said claim against George Taylor for $5,870.05, together with said collateral security.

Although said claim against said George Taylor, and said claim of said George Taylor against the United States, before referred to, were assigned and transferred to said William W. Corcoran, in severalty, the consideration paid to the said James Dundas, Mordecai D. Louis (Lewis), Samuel W. Jones, Robert L. Pitfield, and Robert Howell for the assignments and transfers aforesaid, was contributed equally by said William W. Corcoran, George W. Riggs, and Richard Smith, under an agreement existing between them that the money or property transferred by virtue of said assignments, should be divided equally between the three persons named, and all property thus far recovered under said assignments and transfers has been so divided.

The firm of Shreve and Lawrason was composed solely of Benjamin Shreve and James Lawrason; said James Lawrason was the surviving partner of the firm.

The firm of William Hartshorne & Sons was composed solely of William Hartshorne, William Hartshorne, jr., and Mordecai Miller; said William Hartshorne was the remaining partner.

The firm of James Crawford & Co. was composed solely of James Crawford and William Rusk; said James Crawford was the surviving partner of the firm.

The firm of Thomas & John Clifford was composed solely of Thomas Clifford and John Clifford; said John Clifford was the surviving partner of the firm.

The Insurance Company of North America was and is duly incorporated under the laws of the State of Pennsylvania.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the brig *Hope*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

E. Francis Riggs, administrator of James Lawrason, deceased, surviving partner of Shreve & Lawrason, seven hundred and forty-nine dollars and fifty cents	$749.50
Lawrence Stabler, administrator of William Hartshorne, deceased, remaining partner of William Hartshorne & Sons, three thousand three hundred and forty-five dollars	3,345.00
D. Fitzhugh Savage, administrator of John Savage, four hundred and ninety dollars	490.00
Francis A. Lewis, administrator of Peter Blight, four hundred and ninety dollars	490.00
Charles McCafferty, administrator of Samuel Blodgett, four hundred and ninety dollars	490.00
Sarah Leaming, administratrix of Thomas Murgatroyd, four hundred and ninety dollars	490.00
J. Bayard Henry, administrator of John Leamy, four hundred and ninety dollars	490.00
Francis R. Pemberton, administrator of John Clifford, surviving partner of Thomas & John Clifford, four hundred and ninety dollars	490.00
Samuel Bell, administrator of John G. Wachsmuth, four hundred and ninety dollars	490.00
Crawford D. Hening, administrator of James Crawford, surviving partner of James Crawford & Co., four hundred and ninety dollars	490.00
Crawford D. Hening, administrator of Abijah Dawes, three hundred and ninety-two dollars	392.00
Henry Pettit, administrator of Charles Pettit, eight hundred and thirty-three dollars	833.00
William C. Hill, surviving executor of William W. Corcoran, assignee of George Taylor, thirty-two dollars and fifty-two cents	32.52
James M. Johnston, surviving administrator of George W. Riggs, assignee of George Taylor, thirty-two dollars and fifty-two cents	32.52
Robert S. Chew, administrator of Richard Smith, assignee of George Taylor, thirty-two dollars and fifty-two cents	32.52
The President and Directors of the Insurance Company of North America, five thousand nine hundred and seventeen dollars and fifty-two cents	5,917.52
Amounting in all to fifteen thousand two hundred and fifty-four dollars and fifty-eight cents	15,254.58

No person claiming to represent George Slacum, Abram Hewes, Edward Dunant, Joshua Gilpin, James K. Hamilton, or Thomas & Eli Canby have appeared herein.

No allowance is made for the insurance underwritten by the Insurance Company of North America on the commissions of the supercargo.

No valid claims have been established on behalf of the estates of George Rundle, Thomas Leech, Charles Ross, John Simson, Alexander Murray, surviving partner of Miller & Murray, John Miller, jr., Jacob Baker, surviving partner of Baker & Comegys, and Mark Prager, jr., surviving partner of Pragers & Co.

The cargo owners are not in court.

The assignment of George Taylor hereinbefore set forth in the conclusions of fact, to the extent of the debts of Nathaniel Wattles and John Corse, for which he had been personally liable as surety, and which assignment, to that extent, was made in lieu of his personal liability as such surety, can not at this day be carried out and must be held to have failed. It would be inequitable, considering the circumstances of the case, to make any deduction on that account, and none is made.

No allowance is made to Julian T. Burke, administrator of George Taylor, as the assignment of the latter beyond the part thereof regarding the debts of Nathaniel Wattles and John Corse, is held operative applying to his own indebtedness, which has not yet been fully extinguished.

By the Court.

Filed May 13, 1907.
A true copy.
Test this 30th day of November, 1907.

John Randolph,
Assistant Clerk Court of Claims.

[SEAL]

O

FINDINGS IN CASE OF BRIG AURORA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSELL BRIG AURORA, JAMES PHILLIPS, JR., MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Aurora*, James Phillips, jr., master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Brig *Aurora*, James Phillips, jr., master.]

No. of case.	Claimants.
114.	John M. Clinch, administrator of Perez Morton.
269.	Charles Prager, administrator of Mark Prager.
316.	Charles D. Vasse, administrator of Ambrose Vasse.
482.	Insurance Company of the State of Pennsylvania.
1073.	A. Louis Eakin, administrator of Chandler Price.
1169.	Francis A. Lewis *et al.*, administrators of John Miller, jr., *et al.*
1554.	Joseph Ogden, executor of Jane Ann Ferrers.
1681.	Henry E. Young, administrator of William Craig.
2146.	Joseph Ogden, executor of Jane Ann Ferrers.
2540.	Frederick W. Meeker, administrator of Samuel Meeker.
2578.	Henry R. Sadler, administrator of Henry Sadler.
2698.	George F. Scriba, administrator of George Scriba.
5052.	O. L. Wullweber, administrator of Israel Brown.
5278.	John L. Rutgers, executor of Nicholas G. Rutgers.
5286.	The Union Trust Company of New York, administrator of William Ogden.

PRELIMINARY STATEMENT.

These cases were heard before the Court of Claims on the 18th day of March, 1907.

The claimants were represented by Wm. T. S. Curtis, Theodore J. Pickett, and Thomas Stokese, sqs., and the United States, the defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence, and after hearing the arguments of the counsel and considering the same, determine the facts to be as follows:

I. The brig *Aurora*, James Phillips, jr., master, sailed on a commercial voyage on or about May 16, 1799, from Philadelphia, bound for San Juan, P. R. While peacefully pursuing said voyage she was captured on the high seas June 7, 1799, by the French privateer *La Victoire*, taken into San Juan, P. R., and condemned as good prize on August 2, 1799, by the tribunal of commerce, sitting at Basse Terre, Guadeloupe.

The grounds of condemnation as stated in the decree were:

That the vessel had no rôle d'équipage.

That among the cargo were goods of English manufacture.

II. The *Aurora* was a duly registered vessel of the United States of $90\frac{4}{94}$ tons, was built at Dighton, Mass., in 1798, and was owned by James Phillips, an American citizen.

III. The cargo of the *Aurora* consisted of brandy, flour, ham, sausages, pork, salt, lard, butter, cheese, almonds, linen, snuff, candles, glassware, jewelry, earthenware, furniture, drugs, etc., and was owned by Felix Imbert, an American citizen. The value of the cargo, exclusive of premiums of insurance, was $16,037.

IV. The loss by reason of the capture and condemnation of the *Aurora* was as follows:

Value of vessel (to amount of insurance paid)	$4,410.00
Value of cargo	16,037.00
Amounting in all to	20,447.00
Less insurance received	20,447.00

V. May 18, 1799, James Phillips effected through the office of Hoyt & Tom, insurance on the vessel in the amount of $4,500, paying therefor a premium of 17½ per cent, said policy being underwritten by the following persons, who, as far as they appear in court are citizens of the United States, each in the sum set opposite his name, viz:

Henry Sadler & Co	$500
William Ogden	500
Benjamin Seaman & Co	500
John Juhel & Co	1,000
Paschal N. Smith	250
George Scriba & Wm. Henderson	1,000
Frederick De Peyster & Co	500
Hector Scott	250

Thereafter Hoyt & Tom, as agents, duly paid the said insured the sum of $4,410, being in full for a total loss, less an abatement of 2 per cent.

May 14, 1799, Felix Imbert effected through the office of Shoemaker & Berrett, insurance on the cargo in the amount of $11,720 paying therefor a premium of 20 per cent, said policy being underwritten by the following persons, who, as far as they appear in court, are citizens of the United States, each in the sum set opposite his name, viz:

John Savage	$800
Jones & Clarke	1,000
John Miller, jr	1,000
Thomas Murgatroyd & Sons	1,000
Pragers & Co	1,000
Pratt & Kintzing	1,000
Peter Blight	1,000
Morgan & Price	1,000
Jesse Waln	1,000
Samuel Meeker	800
Philips, Carmmond & Co	400
Ambrose Vasse	1,000
Summerl & Brown	720

Thereafter Shoemaker & Berrett, as agents, duly paid the said insured the sum of $11,485.60, being in full for a total loss, less an abatement of 2 per cent.

May 15, 1799, Felix Imbert effected in the office of the Insurance Company of the State of Pennsylvania insurance on the cargo in the amount of $10,000, paying therefor a premium of 25 per cent. Thereafter said insurance company duly paid the said insured the sum of $9,800, being in full for a total loss, less an abatement of 2 per cent.

VI. The cargo of the *Aurora* was overinsured in the sum of $5,683, the true value of the same being $16,037, on which there was an insurance of $21,720. The insurers are therefore entitled to a recovery of 73.835 per cent on the amount of their underwritings, respectively.

VII. The firm of Henry Sadler & Co. was composed solely of Henry Sadler and William Craig. Said William Craig was the survivor of said firm.

The firm of Benjamin Seaman & Co. was composed solely of Benjamin Seaman, Nicholas G. Rutgers, Charles L. Ogden, Herman G. Rutgers, and Thomas Bibby. Said Nicholas G. Rutgers was the survivor of said firm.

The firm of George Scriba and William Henderson was composed solely of the parties named. Said George Scriba was the survivor of the firm.

The firm of Jones & Clarke was composed solely of William Jones and Samuel Clarke. Said William Jones was the survivor of said firm.

The firm of Thomas Murgatroyd & Sons was composed solely of Thomas Murgatroyd, Samuel Murgatroyd, and Daniel Murgatroyd. Said Thomas Murgatroyd was the survivor of the firm.

The firm of Pragers & Co. was composed solely of Mark Prager, sr., Michael Prager, and Mark Prager, jr. Michael Prager died in 1793, and the firm was continued by Mark Prager, sr., and Mark Prager, jr., until May, 1797, when Mark Prager, jr., withdrew, and Mark Prager, jr., jointly with his brother John Prager, took all the concerns of the house and continued in business under the same firm name of Pragers & Co.

The firm of Pratt & Kintzing was composed solely of Henry Pratt and Abraham Kintzing. Said Henry Pratt was the survivor of said firm.

The firm of Morgan & Price was composed solely of Benjamin Morgan and Chandler Price. Said Chandler Price was the survivor of the firm.

The firm of Philips, Crammond & Co. was composed solely of William Crammond, a citizen of the United States, and Thomas Philips, Nathaniel Philips, John Philips, John Philips, jr., Robert Philips, and George Philips, subjects of Great Britain. It does not appear who was the survivor of said firm. No award is made herein on behalf of said firm.

The firm of Summerl & Brown was composed solely of Joseph Summerl and Isaac Brown. Said Joseph Summerl was the survivor of said firm.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the *Aurora* as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Henry E. Young, administrator of William Craig, surviving partner of Henry Sadler & Co., four hundred and ninety dollars	$490.00
George F. Scriba, administrator of George Scriba, surviving partner of the firm of George Scriba and William Henderson, nine hundred and eighty dollars	980.00
John L. Rutgers, surviving executor of Nicholas G. Rutgers, surviving partner of the firm of Benjamin Seaman & Co., four hundred and ninety dollars	490.00
Union Trust Company of New York, administrator of William Ogden, four hundred and ninety dollars	490.00

D. Fitzhugh Savage, administrator of John Savage, five hundred and ninety dollars and sixty-eight cents	$590.68
Charlotte F. Smith, administratrix of William Jones, surviving partner of Jones & Clarke, seven hundred and thirty-eight dollars and thirty-six cents	738.36
Francis D. Lewis, administrator of John Miller, jr., seven hundred and thirty-eight dollars and thirty-six cents	738.36
Sarah Leaming, administratrix of Thomas Murgatroyd, surviving partner of Thomas Murgatroyd & Sons, seven hundred and thirty-eight dollars and thirty-six cents	738.36
Charles Prager, administrator of Mark Prager, jr., surviving partner of Pragers & Co., seven hundred and thirty-eight dollars and thirty-five cents	738.35
William D. Squires, administrator of Henry Pratt, surviving partner of Pratt & Kintzing, seven hundred and thirty-eight dollars and thirty-five cents	738.35
Francis D. Lewis, administrator of Peter Blight, seven hundred and thirty-eight dollars and thirty-five cents	738.35
A. Louis Eakin, administrator of Chandler Price, surviving partner of Morgan & Price, seven hundred and thirty-eight dollars and thirty-five cents	738.35
William Brooke-Rawle, administrator of Jesse Waln, seven hundred and thirty-eight dollars and thirty-five cents	738.35
Frederick W. Meeker, administrator of Samuel Meeker, five hundred and ninety dollars and sixty-eight cents	590.68
Charles D. Vasse, administrator of Ambrose Vasse, seven hundred and thirty-eight dollars and thirty-five cents	738.35
Craig D. Ritchie, administrator of Joseph Summerl, surviving partner of Summerl & Brown, five hundred and thirty-one dollars and sixty-two cents	531.62
The Insurance Company of the State of Pennsylvania, seven thousand three hundred and eighty-three dollars and fifty-two cents	7,383.52
Amounting in all to eighteen thousand one hundred and ninety-one dollars and sixty-eight cents	18,191.68

John M. Clinch, administrator of Perez Morton, and Joseph Ogden, executor of Jane Ann Ferrers, have proved no valid claims.

Mary Vanuxem, administratrix of James Vanuxem, who insured the commissions of the supercargo herein, has proved no valid claim.

No persons claiming to represent John Juhel & Co., Paschal N. Smith, Frederick de Peyster & Co., or Hector Scott, who were underwriters on a policy of insurance herein, have appeared in this court.

The owners of vessel, cargo, and freight are not in court.

BY THE COURT.

Filed April 8, 1907.
A true copy.
Test this 26th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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FINDINGS IN CASE OF BRIG PRUDE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG PRUDE, RICHARD THORNTON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Prude*, Richard Thornton, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Prude*, Richard Thornton, master.]

No. of case.	Claimants.
2639.	Rhode Island Hospital Trust Company *v.* The United States.
4442.	Edwin N. Howard, administrator of Caleb Howard, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Edward Lander and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG POLLY, COFFIN, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG POLLY, ALBERT COFFIN, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December, 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Polly*, Albert Coffin, master.

I am, very respectfully yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Polly*, Albert Coffin, master.]

No. of case.	Claimants.
1457.	Louis C. Vanuxem et al, administrators of James Vanuxem et al, *v.* The United States.
2010.	Henry P. McKean, administrator of Henry Pratt, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 18th day of March, 1907.

The claimants were represented by J. Bayard Henry and Thomas Stokes, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The Court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The brig *Polly*, whereof Albert Coffin was master, sailed on a commercial voyage from Kingston, Jamaica, September 17, 1798, bound to Havana. While peacefully pursuing said voyage she was seized on the high seas by two vessels and her papers taken from her; the master was afterwards put on board a vessel bound for the United States; it is not shown that these capturing vessels were French privateers or that they were acting under the authority of the French Government.

II. The *Polly* was a duly registered vessel of the United States of 133 tons burthen; built at Providence, R. I., in the year 1789, and was owned by Henry Pratt and Abraham Kintzing, jr., citizens of the United States, residing in Philadelphia.

III. The cargo of the *Polly* at the time of seizure consisted of bread, barrels, codfish, cheese, soap, flour, shooks, and hoops, and was owned by the said Henry Pratt and Abraham Kintzing, jr.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d day of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of the said claims, which have never been assigned.

CONCLUSIONS OF LAW.

The court decides, as a conclusion of law, that said seizure is not shown to have been illegal, and therefore the claimants had no valid claims against France prior to the ratification of the convention between the United States and the Republic of France concluded on the 30th day of September, 1800, and therefore are not entitled to indemnity from the United States.

BY THE COURT.

Filed April 1, 1907.
A true copy.
Test this 5th day of June, 1907.
[SEAL]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG DISPATCH

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG DISPATCH, PETER BUTLER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December, 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Dispatch*, Peter Butler, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Dispatch*, Peter Butler, master.]

No. of case.	Claimant.
730.	The President and Directors of the Insurance Company of North America *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 19th day of March, 1907.

The claimants were represented by J. Bayard Henry and Thomas Stokes, esqrs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The brig *Dispatch*, Peter Butler, master, sailed on a commercial voyage from Norfolk, Va., June 3, 1797, bound to Martinico. While peacefully pursuing said voyage she was seized on the high seas by the French privateers *Le Casseau* and *La Sirenne*, and carried by them to Basseterre, Guadaloupe, where on July 3, 1797, she was condemned by the tribunal of commerce and prizes sitting at said Basseterre on the following ground:

That the vessel was bound to the island of Martinico.

II. It is not shown that this vessel was a registered vessel of the United States, place where built, or her tonnage.

III. The cargo of the *Dispatch* at the time of capture consisted of flour, herring, and biscuit. The greater portion of said cargo was owned by George Yonil & Co., of Man-

chester, Va., but the master and seamen also had small adventures on board. The value of said goods on board does not appear.

June 12, 1797, Joseph Anthony & Co., effected for the account of Nathaniel and Jacob Eustis, insurance on vessel and freight in the office of the Insurance Company of North America, but it is not shown that said Nathaniel and Jacob Eustis were citizens of the United States or that they had any interest in said vessel and freight.

Said claim was not embraced in the convention between the United States and the French Republic concluded on the 30th of April, 1803. It was not a claim growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d day of February, 1819, and was not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

CONCLUSION OF LAW.

The court decides, as a conclusion of law, that said seizure and condemnation were not illegal, and that the claimant had no valid claim against France prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800, and therefore is not entitled to indemnity from the United States.

BY THE COURT.

Filed April 1, 1907.
A true copy.
Test this 5th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG POLLY, PALMER, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG POLLY, JOB PALMER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Polly*, Job Palmer, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, brig *Polly*, Job Palmer, master.]

No. of case.	Claimants.
535.	Sarah G. Smith, administrator of John C. Vowell, *v.* The United States.
1400.	The Insurance Company of the State of Pennsylvania *v.* The United States.
1677.	Henry E. Young, administrator of William Craig, *v.* The United States.
1728.	Joseph Ogden, surviving executor, etc., of Jane Ann Ferrers, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Hunter & Chandler, J. Bayard Henry, Curtis & Pickett, and James Thomson, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885. (23 Stat. L., 283.)

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG FOX

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG FOX, CONNELL, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Fox*, Connell, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, brig *Fox*, Connell, master.

No. of case.	Claimants.
626.	Harriet E. Sebor, administratrix of Jacob Sebor, *v.* The United States.
4037.	Benjamin M. Hartshorne and Charles N. Black, executors of Richard Hartshorne, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by James Lowndes and Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG COLUMBIA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL, BRIG COLUMBIA, JOHN GROZIER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel, brig *Columbia*, John Grozier, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, brig *Columbia*, John Grozier, master.]

No. of case.	Claimants.
114.	John Morton Clinch, administrator of Perez Morton, *v.* The United States.
2555.	Richard Delafield, administrator of John Delafield, *v.* The United States.
3469.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
4225.	John Morton Clinch, administrator of Perez Morton, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885. (23 Stat. L., 283.)

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, A. D., 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

O

FINDINGS IN CASE OF SLOOP FRANKLIN

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SLOOP FRANKLIN, JOHN HOWLAND, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December, 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Franklin*, John Howland, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel sloop *Franklin*, John Howland, master.]

No. of case.	Claimant.
3698.	Gideon K. Howland, administrator of Joseph Howland, v. The United States.

PRELIMINARY STATEMENT.

This case was tried before the Court of Claims on February 25, 1907.

The claimants were represented by William T. S. Curtis and Theodore J. Pickett, and the United States by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after examining the briefs of counsel on both sides, determine the facts to be as follows:

I. The register in said cause shows that Joseph Howland was one of three owners of the sloop *Franklin*, of which John Howland was master, as shown by said register dated February 22, 1799.

There is no other evidence in the record showing ownership either of the vessel or cargo nor the neutrality of either, nor is there any evidence showing or tending to show that said vessel was captured by a French privateer or condemned and sold as alleged in the petition, and for these reasons no allowance is made.

BY THE COURT.

Filed March 4, 1907.
A true copy.
Test this 5th day of June, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SLOOP TOWNSEND

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SLOOP TOWNSEND, DANIEL CAMPBELL, MASTER

DECEMBER 5, 1897.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law and opinion of the court and dissenting opinion filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Townsend*, Daniel Campbell, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283; vol. 1, Supp. Rev. Stat. 2d ed., 471. Decided February 18, 1907. Vessel sloop *Townsend*, Daniel Campbell, master.]

No. of case.	Claimant.
3709.	William O. McCobb, administrator of the estates of William McCobb and Joseph Campbell, *v.* The United States, and Jennie E. McFarland, administratrix of the estate of Ephraim McFarland, *v.* The United States.
3659.	Charles T. Lovering, administrator of the estate of Joseph Taylor, *v.* The United States.
3658.	Charles T. Lovering, administrator of the estate of Joseph Taylor, *v.* The United States.
3058.	Francis M. Boutwell, administrator of the estate of Benjamin Cobb, *v.* The United States.
3739.	Archibald M. Howe, administrator of the estate of Francis Green, *v.* The United States.
970.	William Ropes Trask, administrator of the estate of Thomas Amory, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 23d day of October, 1906.

The claimants were represented by George A. and William B. King, and Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSIONS OF FACT.

The court upon the evidence, and after hearing the arguments, and considering the same, with the briefs of counsel on each side, determine the facts to be as follows:

I.

The sloop *Townsend*, Daniel Campbell, master, sailed on a commercial voyage August 28, 1798, from Boothbay, Massachusetts (now Maine), bound for the English island of Antigua. While peacefully pursuing said voyage she was seized on the high seas, about the 1st of October, 1798, by the French privateer *Le Pelletier* and carried to the island of Guadaloupe, and her master was thrown into prison, with the loss of all his sea clothes, books and papers, where he remained for a period of about three months. He was examined in preparatory on the 10th day of October, 1798, while in prison, in which it was shown that the cargo consisted of boards, staves, shingles, and codfish.

She was there condemned by the Tribunal of Commerce and Prizes, sitting at Basseterre, on said island, and condemned on the ground of a want of a *rôle d'équipage*, and an invoice of the cargo, whereby the same became a total loss to the owners.

II.

The *Townsend* was a duly registered vessel of the United States, of the burthen of $97\frac{4}{5}$ tons, and was owned by the following persons, all of whom were citizens of the United States:

Joseph Campbell	Three-eighths
William McCobb	Three-eighths.
Ephraim McFarland	One-quarter.

III.

The cargo of the *Townsend* at the time of capture consisted of lumber, shingles, staves, and fish, and was owned by the following persons, to wit:

Joseph Campbell	One-third.
William McCobb	One-third.
Ephraim McFarland	One-third.

IV.

The loss to the owners of the vessel and cargo was as follows:

Value of the vessel	$3,400.00
Freight earnings	1,617.37
Value of the cargo	688.81
	5,706.18
Deduct insurance received	2,000.00
Total	3,706.18

The loss to Joseph Campbell was as follows:

Three-eighths value of vessel	$1,275.00
Three-eighths value of freight earnings	606.51
One-third value of cargo	229.60
	2,111.11
Deduct insurance received	1,000.00
Net loss	1,111.11

The loss to Ephraim McFarland was as follows:

One-fourth value of vessel	$850.00
One-fourth value of freight earnings	404.35
One-third value of cargo	229.61
	1,483.96
Deduct insurance received	1,000.00
Net loss	483.96

The loss to William McCobb was as follows:

Three-eighths value of vessel	$1,275.00
Three-eighths value of freight earnings	606.51
One-third value of cargo	229.60
Net loss	2,111.11

VI.

December 11, 1798, Joseph Campbell effected in the office of Joseph Taylor insurance on the vessel and cargo to the amount of $1,000 (one-half on each), paying therefor a premium of 60 per cent, said policy being underwritten by the following persons, all of whom were citizens of the United States, to wit:

Thomas Amory	$500
Francis Green	500

Thereafter the said Joseph Taylor duly paid the said assured the sum of $1,000, being in full for a total loss by reason of the premises, being a loss to said underwriters of the amount subscribed by them, respectively.

VII.

December 21, 1798, Ephraim McFarland effected in the office of Joseph Taylor insurance on the vessel and cargo to the amount of $1,000 (one-half on each), paying therefor a premium of 60 per cent, said policy being underwritten by the following persons, all of whom were citizens of the United States, to wit:

John C. Jones	$500
Benjamin Cobb, jr	500

Thereafter the said Joseph Taylor duly paid the said assured the sum of $1,000, being in full for a total loss by reason of the premises, being a loss to said underwriters of the amount subscribed by them, respectively.

All of the above insurance was effected after the date of the condemnation.

VIII.

The claimants herein have produced letters upon the estates of their decedents, and have otherwise proved to the satisfaction of the court that the parties they represent are in fact the same persons who suffered loss by reason of the capture and condemnation of the sloop *Townsend* as aforesaid.

IX.

Said claims were not embraced in the convention between the United States and the Republic of France, concluded on the 30th of April, 1803, and were not claims growing out of the acts of France, allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain, concluded on the 22d day of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France on the 4th of July, 1831.

The claimants in their representative capacity are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

William O. McCobb, administrator of the estate of William McCobb, two thousand one hundred and eleven dollars and eleven cents	$2,111.11
William O. McCobb, administrator of the estate of Joseph Campbell, one thousand one hundred and eleven dollars and eleven cents	1,111.11
Jennie E. McFarland, administratrix of the estate of Ephraim McFarland, four hundred and eighty-three dollars and ninety-six cents	483.96
Francis M. Boutwell, administrator of the estate of Benjamin Cobb, jr., five hundred dollars	500.00
Archibald M. Howe, administrator of the estate of Francis Green, five hundred dollars	500.00
William Ropes Trask, administrator of the estate of Thomas Amory, five hundred dollars	500.00
Thomas N. Perkins, administrator of the estate of John C. Jones, five hundred dollars	500.00
	5,706.18

Amounting in all to five thousand seven hundred and six and $\frac{18}{100}$ dollars.

OPINION.

ATKINSON, J., delivered the opinion of the court:

The sloop *Townsend*, a small New England vessel, built and registered in the State of Maine, sailed from the State of Massachusetts August 28,1798, bound for the British island of Antigua. Her cargo

consisted of lumber, shingles, staves, and fish. The vessel was owned by three American citizens of the State of Maine, who also were the owners of the cargo. In the early part of October, 1798, while on her outward voyage to Antigua, she was captured by the French privateer *Le Pellitier*, and was conyeyed to Guadeloupe, arriving October 10 of that year, when vessel and cargo were condemned "as good prize" by a French court sitting at said place, for the reasons that she had not on board "*a rôle d'équipage and invoice of cargo*," notwithstanding the fact that the evidence showed (translations by the interpreter of the French court) that she carried the following papers:

"No. 1. Her register, showing that Joseph Campbell, from Boothbay, in the State of Massachusetts, mariner, together with William McCobb, esquire, and Ephraim McFarland, mariner, both from Boothbay, in said State, are the owners. Dated at the port of Wiscasset, October 11th, 1797.

"No. 2. Her sea letter from the port of Boothbay for Antigua, with a cargo of boards, staves, shingles, and codfish. Dated August 28, 1798.

"No. 3. Agreement of the captain with his crew for Antigua.

"No. 4. His clearance from the customs-house in Wiscasset for Antigua, with a cargo of sixty thousand feet of boards, four thousand staves, sixty-two thousand shingles, thirty quintals codfish.

"No. 5. Instructions from the owners to the captain for Antigua or any other port not prohibited by the laws of the United States, etc.

"No. 6. A printed notice concerning the action of masters of American vessels in case of seizure or detention of their men by any foreign power."

When the sloop arrived at Guadeloupe, the master, after filing a protest, was imprisoned, remaining therein for the period of about three months. While in prison he was examined on preparatory interrogatories, and among other things testified that the *vessel and cargo were owned by three American citizens*, viz, Joseph Campbell, William McCobb, and Ephraim McFarland; that the vessel cleared from Wiscasset, Massachusetts, U. S. A., bound for Antigua, and that the cargo consisted of boards, staves, shingles, and thirty quintals of codfish, a part of the latter being the property of the crew. Shortly after his return to the United States he appeared before a notary public and made a sworn protest against the condemnation of the vessel and cargo by the French court.

Three points were raised by counsel for the defendants in the trial of this case against any allowance by the court in favor of the claimants, to wit:

1. The decree of condemnation alleges the absence of register as a ground of seizure.

2. There was no invoice on board, and consequently there can be no recovery for the cargo.

3. There can be no recovery for insurance, for the reason that the condemnation took place prior to the payment of the premiums for said insurance.

We do not consider the first objection well founded, because we fail to find in the decree of condemnation any other reason assigned for such action (except a mere quotation from the *arrete* of the agent of the executive directory in the West Indies) than the absence among

the ship's papers of a *rôle d'équipage* and an invoice of the cargo. The translations made by the French interpreter of the court show conclusively that the papers of the vessel were regular; that she carried everything, including register, required by the French decree, except a manifest and a *rôle d'équipage;* that American ownership of vessel and cargo were conclusively shown; and further, that the cargo was not contraband of war.

The absence of a *rôle d'équipage* as evidence of the neutrality of a vessel at sea is no longer a debatable question, because it has long ago been settled by this and other courts, including those of France, that the possession of such document is not necessary to establish the neutrality of a vessel on the high seas. (Schooner *Sallie,* 21 C. Cls. R., 340, 400, and schooner *Industry,* 22 C. Cls. R., 1, 49.)

From what we have said above we are clearly of the opinion that the condemnation of the sloop was illegal; and we are also of the opinion that the condemnation of the cargo, on account of the absence of an invoice of cargo or manifest, was likewise illegal. The evidence before the prize court was both documentary and by depositions. The register, the sea letter, the agreement of the captain with his crew for Antigua, the clearance from the customs-house at Wiscasset, together with the instructions of the owners and freighters of the vessel to the captain thereof prior to sailing, all which were verified by the interpreter at the trial of the case before the prize court at Guadeloupe, clearly show that the owners of the vessel were the owners of the cargo, and that they were all American citizens. This, it seems to our minds, was sufficient evidence to establish the neutral ownership of the cargo, especially in view of the fact that the cargo itself showed that it was innocent commercial property, and was consequently not contraband of war.

The French council of prizes, January 18, 1801, in passing upon the absence of one or more papers of a ship at a trial by a prize court, decided that—

"The judgment is founded in justice. It is based upon the provisions of the regulation of 1778. Its conclusions can not but be approved by the council, which has neither seen nor been able to see in the instruction of the owner to the captain anything but a ship's paper as authentic, as legal, as conclusive of neutrality, as the laws, justice, and reason require.

"The denomination of the paper does not destroy its contents. It is not such or such a ship's paper under such or such denomination that the law requires, but proof of neutrality. That of the cargo is clear, since the paper in question combines all the characters of the papers enumerated by the law.

"The manifest is not embraced according to the ordinances and regulations in the enumeration by name of ship's papers, but it is impliedly comprised in the general expression of the law 'and other papers establishing neutrality;' any other paper establishing this proof fulfills the letter, the spirit, and the purpose of the law. That is so true that the council has received as a bill of lading a general manifest in a case on the report of Citizen La Coste.

"If the manifest, of which the law does not speak, is impliedly comprised in the collective expression 'and other papers,' it follows necessarily that the instruction of the owner to the captain should be ranged in the class of other papers, since it comprises everything which the

charter party, the invoice, the bill of lading, and the manifest could regularly import." (1 Pistoye & Duverdy, 438, 439.)

This court decided in the case of the schooner *Hazard* (39 C. Cls., 376) that the protest of the master of a vessel as to its neutrality should have great weight as over against the absence of some of the papers of a vessel in condemnation proceedings. The opinion says:

"We know now from the subsequent protest of the master that the cargo of this vessel was neutral. The careful representative of the Government concedes this while properly contending that the proceedings resulting in condemnation must not be determined by subsequent developments, but by the proof in hand at the time. Neutrality was the thing to be proved to those rightfully charged with the privilege of considering the fate of the prize. But was neutrality proved? The report of the capture shows that the vessel was seized because the clearance was in contravention of the laws and customs of France. The absence of papers was not suggested nor suspicion raised at the time in regard to the neutral character of the freight. The vessel was registered, but notwithstanding she showed her sea letter, the prize court condemned both vessel and cargo on the same ground. The oral testimony before the tribunal was direct that the proprietary interest was in citizens of the United States. While the question of going outside the papers is not free from doubt, we think, on the whole case, this oral testimony was competent and sufficient to exonerate the cargo. This seems to us, upon reflection, to be more nearly in consonance with the rules of international law and the reasons which underlie the action of nations in dealing with each other in time of war than a rule making papers the sole test."

It was decided in the case of the *Industry* (22 C. Cls. R., 1) that the lack of a particular paper of a vessel may be punishable under certain circumstances within local jurisdictions as a police measure, but never by absolute confiscation, when it is shown that the vessel is innocently pursuing a legitimate voyage. An accident is easily supposable by which, after leaving port and while on the high seas, all the papers of a ship may, by fire or water, be destroyed. On that account should the ship and cargo, or either of them, be confiscated? We know of no rule of law, municipal or international, which would authorize such a course.

In *Hooper's case* (22 C. Cls. R., 1) it was held that, while it is true the *onus probandi* is upon the captured vessel in all prize-court proceedings, in order to clear herself from suspicion, yet no particular paper is indispensable to accomplish such purpose, and that an honest, commercial, lawful voyage may be shown though no paper of any sort be presented.

In the disposition of this class of cases, this court has uniformly decided that all questions of neutrality are questions of good faith, in which actual facts, and not simply appearances, must be looked into, and that the mere absence of a particular document, or an irregularity in form, does not authorize condemnation as good prize in any case. The truth must be sought, and that not by technical forms. Simple omissions or irregularities should never obscure the truth if it be otherwise proved. The essential question is whether the cargo is or is not, in fact, neutral. It is not of importance that the municipal law of one government requires the presentation of particular papers. The severity of the legislators is always subordinate to the surround-

ing circumstances, which alone lead to conviction. The neutrality should be proved, but this may be done notwithstanding the omission or irregularity of certain prescribed forms. (Schooner *Hazard*, 39 C. Cls. R., 376, 380.)

The case of the schooner *Betsy* (36 C. Cls., 256), upon which the defendants rely as sustaining their contention that the seizure of the cargo of the *Townsend* was a proper procedure, is by no means on all fours with the case before us. The *Betsy* carried a manifest showing of what her cargo consisted, but she produced no document or other evidence which showed that it was owned by American citizens and not by belligerents. The claimants in that case relied mainly upon a New England custom to the effect that among vessels engaged in the trade with the West Indies no proof of ownership was necessary when the cargo belonged entirely to the owners of the vessel carrying it. The court very properly held in that case "that the courts of another nation were not bound to take notice of a local custom utterly at variance with the provisions of the treaty of 1778 and the requirements of international law;" that it was necessary to show whether the cargo was the property of neutral or belligerent owners, and that a prize court of a belligerent power was justifiable in condemning property as good prize unless neutrality of ownership is clearly established. The court further held in that case as follows:

"Ownership is one thing and neutrality is another. The French prize court was not interested in the question whether the cargo belonged to this or that American citizen, but in the question whether it was the property of neutral or belligerent owners. A prize court of a belligerent power was entitled to have the neutrality of a cargo established. The treaty of 1778 was based upon the principle that free ships make free goods; but it also required 'that if either of the parties should be engaged in war the ships and vessels belonging to the subjects or people of the other ally must be furnished with a sea letter or passports made out according to the form annexed to the treaty, and likewise that such ships should be provided always with a certificate containing the several particulars of the cargo.' (Art. XXV.)

"The manifest on board answered this last requirement, so that if the vessel had been seized before the abrogation of the treaty and had carried a proper passport her cargo would have been exempt from seizure. There is no evidence in the case except a register, a manifest, and the local custom above referred to. It is recited in the decree that she had a sea letter not properly attested, but it does not appear that the sea letter was that prescribed by the treaty, and if it were it would not have been obligatory, we think, upon France after the abrogation of the treaty by the act of 7th July, 1798 (1 Stat. L., p. 578), on the part of the United States.

"It seems, then, only too apparent, so far as now appears, that the vessel carried nothing to establish the neutrality of the cargo. There is no protest on the part of the master in the case, showing the circumstances of the seizure and condemnation, or that he had asserted the rights of American owners, or offered proof of the neutrality of the cargo, or established any ground upon which this court can hold that the condemnation was illegal and unjust. The fault was the vessel's. Upon this evidence, and want of evidence, it must be held that the prize court was justified in decreeing condemnation."

In the case at bar the *Townsend* carried a register, a sea letter, the agreement of the captain with his men, showing the destination of the vessel to be the port of Antigua, clearance papers from Wiscasset, U. S. A., instructions from the owners to the captain for Antigua, a printed notice showing what action should be taken in case of seizure, and after the sloop was seized by the *Le Pellitier* the evidence of the captain of the *Townsend* was taken while he was in prison and was read at the trial, which stated positively that the owners of the cargo were the same persons who owned the vessel (which fact was also stated in the decree of condemnation), that all of them were American citizens, and therefore in no respect were belligerents; while, as shown above, the only evidence presented in the case of the *Betsy* relied upon to establish the neutrality of her cargo was a register, a manifest, and the local New England custom to which we have referred.

We agree with the counsel for the defendants that the claim for the insurance on the sloop and cargo is not valid as against France, for the reason that the same was effected by two policies dated the 11th and 21st of December, 1798, and as the condemnation of sloop and cargo took place October 18 prior to the issuance of the same, France can not be made liable for the premiums therefor, nor is the United States chargeable therewith. Consequently no allowance can be made in favor of claimants for premiums of insurance so paid. (Schooner *John Eason*, 37 C. Cls., R. 443, 447.)

The theory upon which a premium of insurance has been deemed recoverable in this class of cases is that the payment of the premium adds so much to the value of the property insured; but the liability of France is limited to the value of the property at the time of its illegal seizure or condemnation and can not be augmented by subsequent transactions between owners and insurers.

There was another question of vast importance raised in the trial of this case, viz, that immediately following the capture of the *Townsend* and her arrival at Guadeloupe her captain was imprisoned and was not allowed to be personally present at the trial before the prize court, although it is established that his deposition was taken while he was in prison and was read at the hearing of the case. Counsel for the United States insists that he was duly heard in his own defense, although not personally present at the trial, yet he was nevertheless legally heard, and, as a matter of fact, "had his day in court." He further insists that it is a privilege and not a right for a litigant to appear in court by counsel. Without attempting to pass upon the statement of counsel as to the rights of litigants to appear in legal tribunals personally or by authorized attorneys, under the customs and rules formerly and at the present time which prevail in this and other countries, we shall advert only to the decisions of this court in such matters.

In the case of the brig *Sally* (37 C. Cls. R., 74) it was held that when a vessel is seized the master should have the right to appear and defend his ship and its cargo against the alleged illegality of the voyage, and by refusing him such privilege he was denied due process of law. It was also further decided in that case that "*the fact of sale and the absence of the master from the judicial proceedings* in which it may be the ship was condemned."

In the case of the snow *Thetis* (Ibid., 470), the right of the master, or some other officer of the vessel in duress, to be present in a court during condemnation proceedings is clearly and unequivocally reaffirmed, by quoting with approval from Sir William Scott the following paragraph:

"Before the ship or goods can be disposed of by the captor there must be a regular judicial proceeding, wherein both parties may be heard, and condemnation thereupon as prize in a court of admiralty, judging by the law of nations and treaties."

The right of an officer to defend his vessel after seizure has been made is carefully set forth in the case of the schooner *Maria* (39 C. Cls. R., 147). In that case it was decided substantially that while it is true the seizure and condemnation of a vessel may have been made for good cause, yet it was a right of the master to be present at the prize court to defend the owners, and where he was prevented by imprisonment from so doing the proceeding was *ex parte* and wholly void.

A prize proceeding is an action *in rem*, and where the master of a captured vessel absents himself on his own volition, such act would not operate to defeat a condemnation otherwise valid. And while the examination of a master *in preparatorio*, while under that duress which is implied from the mere capture of his vessel, would be competent evidence to be considered in the first instance for the condemnation of the vessel, it would not be if the master, in addition to such implied duress, were imprisoned and the examination *in preparatorio* was behind prison bars, because in such case the master would be deprived of his liberty, and his answers might bear the impress of such imprisonment. The latter is this case, and, therefore, if the seizure and condemnation were otherwise legal, that of itself, under the decisions of this court, is sufficient to justify the court in holding that such condemnation was illegal. A prize proceeding is no exception to the universal principle of justice, which requires a proper legal hearing before condemnation can be ordered. (*The Snow Thetis*, 470, *supra; The Good Intent*, 36 C. Cls., 262, 265.)

The findings of fact and conclusions of law will be reported to the Congress, together with a copy of this opinion.

HOWRY, J., concurring as to the sloop, but dissenting as to the cargo:

I concur as to the illegality of the condemnation of the sloop, because its nationality was sufficiently proven to the prize court by its register and other papers.

I dissent as to the cargo, because the belligerent rights of the French (which became American rights under the act of our jurisdiction) are shown by the decree and the surrounding circumstances and have not been disproved under the rule that the decree of a prize court is conclusive against all the world as to all matters decided and within its jurisdiction (*Williams* v. *Armroyd*, 7 Cranch, 603). Such decree does not usually state the grounds of condemnation, but where it does is conclusive of its own correctness. The fact of real title is open to investigation only as to those matters not concluded by the recitals of the decree (*Maley* v. *Shattuck*, 3 Cranch, 642).

The decree recites want of a *rôle d'équipage* and the absence of an invoice.

The majority say the absence of a *rôle d'équipage* is no longer a debatable question. (Neither side makes it a question.)

But the invoice was quite material, because its absence is strong presumptive evidence against neutrality. What, then, do we find? No sufficient proof of property, no muster roll, no bill of lading, no manifest, no invoice. These are some of the papers which are always expected to be found on board. (Baker's Halleck's Int. Law, sec. 98; 1 Chitty's Com. Law, 487.)

The case is not sustained by the *Hazard*, Campbell (39 C. Cls. R., 376). Proof *aliunde* the vessel's papers was admitted in the *Hazard*, not to contradict the recitals of the decree as to the invoice, but, as the papers were not deemed the sole test of neutrality, the court looked to all other papers and some subsequent testimony to determine neutrality. In the case at bar we do the same thing. But here the master's protest only alleges ownership of the vessel, and does not claim neutrality for the cargo. There is no subsequent paper disclosed except a general statement at the time of the sloop's clearance that its owners were freighterers. "Freighter," in French law, is the owner of the vessel, and the merchant who hires it is called the "affreighter" (Emerigon-Traite, Des. Assurances; Black's Law Dictionary). That there was no paper on board which showed the neutrality of the cargo. and that the master's protest and the circumstances confirmed the truth of the decree, establishes the condemnation legal as to the cargo. The good faith of the French is shown by the subsequent delivery of every paper in this case to the American owners of the sloop.

The *Hazard*, Campbell, *supra*—Howry, J., speaking for the court—was the extreme of liberality in this class of cases. There it appeared that the Supreme Court had said that the law of nations presumed and required that in time of war every neutral vessel should have on board papers showing her character, and should also have officers and crew able to testify to facts establishing neutrality. This court gave effect to that other decision of the Supreme Court in the *Amiable Nancy*, 3 Wheat., 561, where it appeared that the mere want of papers could not afford a just cause of condemnation, but a circumstance of suspicion explainable *by the preparatory examinations of the officers and crew*, and by the fact of a voluntary arrival. Accordingly, the decision went off on the ground that, while the absence of papers was strong presumptive evidence against the ship's neutrality, the want of any one of them was not absolutely conclusive (1 Kent's Com., 157).

In the case at bar the absence of the invoice was suggested, and it has never been accounted for—not even in the subsequent protest of the master. Hence, the decree is conclusive.

So much of the opinion of the majority as rests the supposed illegal action of the prize tribunal upon the alleged imprisonment of the master is a matter too important to be passed over. It says that the master was not allowed to be personally present at the trial. The master does not say so. There is not a syllable in the entire evidence which supports that statement. The master merely states in general terms that he was imprisoned three months. How, where, whether on the island in duress, like nearly every blockade runner or shipmaster violating the laws of neutrality, does not appear.

The record shows that there was a regular judicial proceeding and that the master was there. He must have been there delivering testimony, because his deposition shows him to have been there.

These considerations take the case out of that class where this court has decided that imprisonment and absence operated to prevent the master from being heard in his defense, and where we have held that the matter of imprisonment was necessary to be considered to prevent confiscation. Not a single case has ever been decided by this court where it has appeared that if the master's evidence was taken and the record shows that he was there the duress of his person made void the proceeding. When a vessel is on trial for violating the laws of neutrality the master and crew are all under duress and practically in restraint. It is upon the ship's papers and the examination taken *in preparatorio* that the case is tried.

In *Dos Hermanos*, 2 Wheat., 76, the Supreme Court has held that in prize cases the cause is to be heard exclusively upon the ship's papers, and the examination of the principal officers and seamen of the captured vessel taken on the standing interrogatories. *This is the established rule.*

In the case of the *Ann*, in 3 Wheat., 434, the vessel was captured by an American privateer while at anchor near the Spanish part of the island of St. Domingo and carried into New York for adjudication. The master and supercargo were put on shore at St. Domingo, and all the rest of the crew, except the mate, carpenter, and cook, were put on board the captured vessel. After arrival at New York the deposition of the cook only was taken, which, with the ship's papers, were transmitted by the commander to the judge of the district of Maryland to which the case of the *Ann* was removed. The trial upon prize proceedings being instituted, the testimony of the carpenter was taken by the claimants, and the captors were also permitted to give testimony. *The separation of the master and the principal officers and the crew from the vessel was not held fatal to the regularity of the proceedings.*

These decisions from the Supreme Court prove that the award in this case, predicable upon the alleged imprisonment, is an innovation in prize law. Numberless prize proceedings during the war between the States would now appear to be illegal if this award is law. And when we come to consider that the awards of this court in these cases are not the subject of review by the Supreme Court and that this erroneous decision on a matter so vital (as I view it) will some time or other turn to vex the Government, it is of more than passing importance that the reasons of my dissent shall be recorded.

No case decided by us is authority for this award. The conclusions are squarely against the ruling in the *Betsey*, 36 C. Cls. R., 256, where Nott, Ch. J., said that though that vessel carried a manifest showing of what the cargo consisted and that it was an innocent or commercial cargo, nevertheless she carried no document whatever to show neutrality. The conclusion there was that the prize courts of a belligerent nation were not bound to take notice of a local custom at variance with the requirements of international law or to infer, in the absence of an invoice, that the cargo belonged to the owners of the vessel. That is this case.

Nor are the conclusions of the court supported by the snow *Thetis*, 37 C. Cls. R., 472, where Howry, J., speaking for the court, said that "where the decree of a prize tribunal is silent as to the presence of the parties in interest and there is neither protest nor proof equivalent to it showing that the owners or their agents were denied a hearing, the presumption is that they were present and given an opportunity to

defend. But where it can be gathered from the action of the prize court or from proof contemporaneous with the transaction that the proceeding was one of those which justified the American complaint of that period respecting condemnations without notice to vessel owners, no effect will be given to the summary disposition of a vessel under such a decree." Then followed the statement that, though the decree showed on its face that the decision upon its announcement was to be notified to the master, there was nothing to show his presence or the presence of any other person in interest at the hearing.

There is nothing to change in the *Thetis* opinion. The failure to notify the decision of the prize court to the master there was merely intended by this court to emphasize the fact that neither the master nor other person in interest was present at the hearing. The master was even denied the opportunity to see his ship or the authorities who took it away from him *while he was imprisoned elsewhere*, and the statement as to the notice given to the mate was an immaterial statement. The extract from the *Thetis* by the majority is as defective (in not stating enough) as the citation from the same case of counsel for claimant is inapposite. No court holds itself bound by any part of an opinion not needful to the ascertainment of the right or title in question between the parties. (*Carroll* v. *Lessee*, 16 How., 286).

Common-law principles and common-law rules of evidence have frequently been objected to in these cases, because counsel have argued (present counsel included) that common-law proceedings were relaxed by the statute of our jurisdiction. Now it appears that common-law proceedings are invoked by way of precedent to sustain this finding as to the cargo.

But prize proceedings are summary and differ materially from common law rules of procedure. "Notice is only for the purpose of affording the party an opportunity of being heard upon the claim or the charges made." The books are full of cases showing that in a libel pending in an admiralty jurisdiction, the manner of the notification is immaterial.

The late Justice Gray decided legal questions, including those pertaining to admiralty, so satisfactorily to the people of Massachusetts, that he was called to the bench of the Supreme Court of the United States. Speaking for that tribunal, he said:

"The law of nations presumes and requires that in time of war every neutral vessel shall have on board papers showing her character, and shall also have officers and crew able to testify to facts establishing her neutrality. The captors are therefore required immediately to produce to the prize court the ship's papers, and her master, or some of her principal officers or crew, to be examined on oath upon standing interrogatories and without communication with or instruction by counsel. The cause is heard in the first instance upon these proofs, and if they show clear ground for condemnation or for acquittal no further proof is ordinarily required or permitted. If the evidence *in preparatorio* shows no ground for condemnation and no circumstances of suspicion, the captors will not ordinarily be allowed to introduce further proof, but there must be an acquittal and restitution. When further proof is ordered, it is only from such witnesses and upon such points as the prize court may, in its discretion, think fit." (*Cushing* v. *Laird*, 107, U. S., 77.)

The conclusions of the majority proceed upon the inconsistent assumption that the master was not there to be believed, but if he was there that he should have been believed. Belief of a witness is always a matter of discretion in any kind of a court having jurisdiction.

There is a final observation not justified by the opinion of the majority. There is no proof that the master was behind prison bars. That is a mere inference arising from the general statement set forth in the master's protest after he got home, that he was imprisoned. He may have been, but the record shows him to have been at the trial.

As to the cargo, therefore, the award is erroneous.

I am authorized to say that Booth, J., concurs in the findings and conclusions expressed in this dissent.

BY THE COURT.

Filed February 18, 1907.

A true copy.

Test this 25th day of November, 1907.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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FINDINGS IN CASE OF SLOOP VERMONT

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SLOOP VERMONT, FRANCIS TURNER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Vermont*, Francis Turner, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, sloop *Vermont*, Francis Turner, master.]

No. of case.	Claimant.
319.	John J. Helm and William W. Vasse, administrators of Ambrose Vasse, *v.* The United States.
418.	Francis R. Pemberton, administrator of John Clifford, *v.* The United States.
428.	William Mifflin, administrator of Ebenezer Large, *v.* The United States.
1465.	Richard C. McMurtrie, administrator, et al., *v.* The United States.
2537.	Frederick W. Meeker, administrator of Samuel Meeker, *v.* The United States.
3844.	Robert Wells, administrator of Gideon H. Wells, *v.* The United States.
5045.	O. L. Wullweber, administrator of Israel Brown, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by John A. Toomey, John H. Merrill, J. Bayard Henry, and A. Chester, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885. (23 Stat. L., 283.)

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, A. D. 1907.
[SEAL]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 120

FINDINGS IN CASE OF SLOOP HARMONY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SLOOP HARMONY, EDWARD BARRY, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel, sloop *Harmony*, Edward Barry, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, sloop *Harmony*, Edward Barry, master.]

No. of case.	Claimant.
412.	Francis R. Pemberton, administrator of John Clifford, *v.* The United States.
442.	William Mifflin, administrator of Ebenezer Large, *v.* The United States.
753.	The Insurance Company of the State of Pennsylvania, *v.* The United States.
1074.	A. Louis Eakin, administrator of Chandler Price, *v.* The United States.
1098.	William W. Vasse, administrator of Ambrose Vasse, *v.* The United States.
1521.	Samuel Bell, administrator, et al., *v.* The United States.
2715.	George Meade, administrator of Thomas Ketland, *v.* The United States.
3845.	Robert Wells, administrator of Gideon H. Wells, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by John A. Toomey, John H. Merrill, Curtis & Pickett, J. Bayard Henry, and Leonard Myers, and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885. (23 Stat. L., 283.)

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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FINDINGS IN CASE OF SLOOP MARY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SLOOP MARY, JAMES WARD, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Mary*, James Ward, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d Ed., 471. Vessel sloop *Mary*, James Ward, master.]

No. of case.	Claimants.
2943.	The New Haven Insurance Company *v.* The United States.
4098.	Charles L. Borgmeyer, administrator of James Thompson, jr., *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by A. H. Cragin and S. P. Nutt, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885. (23 Stat. L., 283.)

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, A. D. 1907.
[SEAL.

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SLOOP ALMIRA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL, SLOOP ALMIRA, JARED BARTHOLOMEW, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Almira*, Jared Bartholomew, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel sloop *Almira*, Jared Bartholomew, master.]

No. of case.	Claimants.
1872.	Charles A. Meigs, administrator of David Tomlison, and Richard C. Ambler, administrator of Jared Bartholomew, *v.* The United States.
2944.	The New Haven Insurance Company *v.* The United States.
3183.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by A. H. Cragin and Curtis & Pickett, esqs., and the United States by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France of the 30th of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SLOOP BETSEY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SLOOP BETSEY, RICHARD HOLBROOK, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Betsey*, Richard Holbrook, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d Ed., 471. Vessel, sloop *Betsey*, Richard Holbrook, master.]

No. of case.	Claimants.
2521.	Andrew Lacy, administrator of Stephen Perkins, *v.* The United States.
3415.	Isaac Coffin, administrator of Moses Carleton, *v.* The United States.
3417.	Mary T. Coffin, administrator of Erastus Foote, *v.* The United States.
3423.	William H. Small, administrator of Moses Carleton, *v.* The United States.
3427.	Clark L. Nelson, administrator of Jeremiah Nelson, *v.* The United States.
3710.	Lavina Murray, administratrix of Alexander Cunningham, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by R. K. Sewall, Henry Ingalls, and George B. Sawyer, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP WASHINGTON

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP WASHINGTON, CALLAGHAN, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Washington*, Callaghan, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Washington*, Callaghan, master.]

No. of case.	Claimant.
3376.	John N. A. Griswold, trustee of the Columbian Insurance Company, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP PRESIDENT

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP PRESIDENT, ANDREW PINKHAM, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *President*, Andrew Pinkham, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d Ed., 471. Vessel ship *President*, Andrew Pinkham, master.]

No. of case.	Claimants.
159.	Louisa A. Starkweather, administratrix of Richard S. Hallett and Abraham S. Hallett, *v.* The United States.
1676.	Henry E. Young, administrator of William Craig, *v.* The United States.
1978.	Rowland M. Hall, administrator of Jonas Minturn, *v.* The United States.
2012.	John W. Lawrence, sole surviving executor of Walter Bowne, sr., *v.* The United States.
2339.	Henry A. Johnson, administrator of Joseph Bates, *v.* The United States.
5292.	The Union Trust Company of New York, administrator of William Ogden, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by James Coleman, Curtis & Pickett, James M. Johnston, John C. Clark, and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885. (23 Stat. L., 283.)

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP PRUDENT

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP PRUDENT, BENJAMIN CROWNINSHIELD, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Prudent*, Benj. Crowninshield, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, ship *Prudent*, Benj. Crowninshield, master.]

No. of case.	Claimant.
3878.	Henry Gardner, executor of Nathaniel West, et al., *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by Edward Lander, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP NANCY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP NANCY, HOWARD ALLEN, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Nancy*, Howard Allen, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Nancy*, Howard Allen, master.]

No. of case.	Claimants.
159.	Louisa A. Starkweather, administratrix of Richard S. Hallett and Abraham S. Hallett, *v.* The United States.
2654.	Charles H. Coster, administrator of John G. Coster, *v.* The United States.
2950.	The New Haven Insurance Company *v.* The United States.
4037.	Benjamin M. Hartshorne and Charles N. Black, executors of Richard Hartshorne, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by James Coleman, John C. Clark, A. H. Cragin, and Curtis & Pickett, and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885. (23 Stat. L., 283.)

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP MINERVA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP MINERVA, OBED FITCH, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Minerva*, Obed Fitch, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Minerva*, Obed Fitch, master.]

No. of case.	Claimant.
776.	Joseph B. Macy, administrator of Aaron Mitchell, *v.* The United States.
1585.	James G. Freeman, receiver of the Boston Marine Insurance Company, *v.* The United States.
2235.	The Massachusetts Fire and Marine Insurance Company *v.* The United States.
4440.	The Rhode Island Hospital Trust Company *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett and Edward Lander, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP HOPE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP HOPE, JOSIAH BACON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Hope*, Josiah Bacon, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Hope*, Josiah Bacon, master.]

No. of case.	Claimants.
359.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.
2387.	Abel S. Lewis, administrator of Thomas Lewis and Thomas Lewis, jr., *v.* The United States.
2461.	Abel S. Lewis and Lyman Mason, administrators of John Lewis, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885. (23 Stat. L., 283.)

BY THE COURT.

Filed, October 28, 1907.
A true copy.
Test this 14th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH.
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP FAVORITE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP FAVORITE, CHARLES BARNARD, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Favorite*, Charles Barnard, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Favorite*, Charles Barnard, master.]

No. of case.	Claimants.
159.	Louisa A. Starkweather, administratrix of Richard S. Hallett and Abraham S. Hallett, *v.* The United States.
221.	The Insurance Company of the State of Pennsylvania *v.* The United States.
296.	A. Louis Eakin, administrator of Chandler Price, *v.* The United States.
297.	A. Louis Eakin, administrator of Chandler Price, *v.* The United States.
409.	Francis R. Pemberton, administrator of John Clifford, *v.* The United States.
621.	Harriet E. Sebor, administratrix of Jacob Sebor, *v.* The United States.
1183.	Benjamin M. Hartshorne and Charles N. Black, executors of Richard Hartshorne, *v.* The United States.
1438.	Richard C. McMurtrie, administrator, et al., *v.* The United States.
1490.	William W. Vasse, administrator of Ambrose Vasse, *v.* The United States.
1678.	Henry E. Young, administrator of William Craig, *v.* The United States.
2012.	John W. Lawrence, sole surviving executor of Walter Bowne, sr., *v.* The United States.
2013.	Robert B. Lawrence, administrator of John R. Bowne; John W. Lawrence, executor of Walter Bowne, *v.* The United States.
2544.	Frederick W. Meeker, administrator of Samuel Meeker, *v.* The United States.
3130.	Alexander M. Pennington, heir of Joseph Ball, *v.* The United States.
3203.	John N. A. Griswold, trustee of the United Insurance Company, *v.* The United States.
3830.	Peter F. Schliecker, administrator of John M. Burt, *v.* The United States.
5053.	O. L. Wullweber, administrator of Israel Brown, *v.* The United States.
5138.	Joseph Ogden, administrator, etc., *v.* The United States.
5139.	Joseph Ogden, administrator, etc., *v.* The United States.
5140.	Joseph Ogden, administrator, etc., *v.* The United States.
5168.	Joseph Ogden, administrator, etc., *v.* The United States.
5169.	Joseph Ogden, administrator, etc., *v.* The United States.
5288.	The Union Trust Company of New York, administrator of William Ogden, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by James Coleman, Curtis & Pickett, John A. Toomey, James Lowndes, J. Bayard Henry, George A. King, John H. Merrill, A. Chester, James Thomson, and John C. Clark, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885, (23 Stat. L., 283.)

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP JANE, WHIDBY, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SHIP JANE, JOHN WHIDBY, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Jane*, John Whidby, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, ship *Jane*, John Whidby, master.]

No. of case.	Claimant.
1870.	J. Cleeman Pannill, administrator of Robert Colquhoun, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907. The claimant was represented by L. C. Cleeman, and the United States, defendant, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1855. (23 Stat. L., 283.)

BY THE COURT.

Filed, October 28, 1907.
A true copy.
Test this 15th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP KITTY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP KITTY, HUGH MCPHERSON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Kitty*, Hugh McPherson, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Kitty*, Hugh McPherson, master.]

No. of case.	Claimant.
2693.	Edward McPherson, administrator of Hugh McPherson, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by John A. Toomey and Leonard Myers, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BARK ALBANY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BARK ALBANY, EMANUEL PRADY, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel bark *Albany*, Emanuel Prady, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, bark *Albany*, Emanuel Prady, master.]

No. of case.	Claimants.
1173.	Charles Willing, administrator of Thomas M. Willing, *v.* The United States.
	George W. Guthrie, administrator of Alexander Murray, *v.* The United States.
	J. Bayard Henry, administrator of Andrew Bayard, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by J. Bayard Henry, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 14th day of November, 1907.
[SEAL.]

JOHN RANDOLPH.
Assistant Clerk Court of Claims.

O.

FINDINGS IN CASE OF SCHOONER INDUSTRY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SCHOONER INDUSTRY, MARK BUTTS, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Industry*, Mark Butts, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Industry*, Mark Butts, master.]

No. of case.	Claimant.
1831.	E. Francis Riggs, administrator of James Lawrason, surviving partner of Shreve & Lawrason, *v.* The United States.

This case was tried before the Court of Claims on the 22d day of April, 1907.

The claimant was represented by John St. C. Brookes, esq., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed April 29, 1907.
A true copy.
Test this 4th day of June, 1907.]
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER NANCY, FOSS, MASTER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SCHOONER NANCY, FOSS, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Nancy*, Foss, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Nancy*, Foss, master.]

No. of case.	Claimant.
3196.	Edmund Waddill, jr., administrator of Jedediah Leeds, *v.* The United States.

This case was tried before the Court of Claims on the 2d day of April, 1907. The claimant was represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed, April 29, 1907.
A true copy.
Test this 4th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

O

FINDINGS IN CASE OF SCHOONER NANCY, JONES, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER NANCY, JOHN JONES, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Nancy*, John Jones, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, schooner *Nancy*, John Jones, master.]

No. of case.	Claimants.
948.	David Stewart and John E. Semmes, receivers of the Baltimore Insurance Company, *v.* The United States.
4156.	David Stewart, administrator of John Arnold and Samuel Arnold, *v.* The United States.

These cases were tried before the Court of Claims on the 22d day of April, 1907.

The claimants were represented by Frank P. Clark, esq., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France, on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed, April 29, 1907.
A true copy.
Test this 4th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER POLLY AND BETSEY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SCHOONER POLLY AND BETSEY, JOHN WILEY, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Polly and Betsey*, John Wiley, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Polly and Betsey*, John Wiley, master.]

No. of case. Claimant.

2876. Isaac H. Boardman, administrator of Moses Brown, *v.* The United States

This case was tried before the Court of Claims on the 22d day of April, 1907.

The claimant was represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed April 29, 1907.
A true copy.
Test this 4th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER SALLY, DUNHAM, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER SALLY, PAUL DUNHAM, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Sally*, Paul Dunham, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d Ed., 471. Vessel, schooner *Sally*, Paul Dunham, master.]

No. of case.	Claimants.
1210.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.
2258.	Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, *v.* The United States.
2867.	William C. Williamson, administrator of Elisha Doane, *v.* The United States.

These cases were tried before the Court of Claims on the 22d day of April, 1907.

The claimants were represented by Curtis & Pickett, and Edward Lander, and the United States by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of the said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed April 29, 1907.
A true copy.
Test this 4th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER DAIRY MAID

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SCHOONER DAIRY MAID, JOHN GARDE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Dairy Maid*, John Garde, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d Ed., 471. Vessel, schooner *Dairy Maid*, John Garde, master.]

No. of case.	Claimant.
2373.	Ann Elizabeth Marshall, administratrix of William Robb, *v.* The United States.

PRELIMINARY STATEMENT.

This case was tried before the Court of Claims on the 30th day of April, 1902.

The claimants were represented by Theodore J. Pickett, William T. S. Curtis, and John E. Semmes, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Louis A. Pradt.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Dairy Maid*, John Garde, master, sailed on a commercial voyage in the month of December, 1794, from Baltimore bound to Granada.

The only evidence offered as to the capture and condemnation of said vessel is contained in an extract from a "List of judgments rendered in prize cases at Guadaloupe," which is as follows:

"January 16, 1795. The schooner *Dairy Maid*, Captain John Gardes, prize taken by the republican corvette *Regicide*, Captain Painchaud. Good prize; enemy's property."

It is also stated in an abstract of registers, port of Baltimore, in reference to the *Dairy Maid*, the following:

"Vessel condemned by the French at Gaudaloupe. Register detained—proved 30 Dec., 1791."

No decree is produced showing grounds of condemnation, nor any protest showing circumstances of seizure.

II. The *Dairy Maid* was a duly registered vessel of the United States of 49 6-95 tons burthen; was built in Virginia in the year 1792 and was owned by William Robb, a citizen of the United States residing in Baltimore.

III. The cargo of the *Dairy Maid* consisted of rice, flour, beef, apples, seeds, shingles, pork, bread, and corn, and was owned by said William Robb, the owner of the vessel.

IV. The loss by reason of said seizure was as follows:

The value of the vessel	$1,700.00
The freight earnings	825.00
The value of the cargo	2,805.78
Amounting in all to	5,330.78

V. The claimant herein has produced letters of administration upon the estate of the party for whom she appears, and has otherwise proved to the satisfaction of the court that said William Robb is the same person who suffered loss by the seizure and condemnation of the *Dairy Maid* as set forth in the preceding findings.

VI. Said claim was not embraced in the convention between the United States and the Republic of France concluded on the 30th day of April, 1803. It was not a claim growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and was not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimant in her representative capacity is the owner of said claim, which has never been assigned.

CONCLUSION OF LAW.

The court decides as conclusion of law that the evidence is insufficient to establish a valid claim against France and that the claimant is not entitled to recover from the United States.

BY THE COURT.

Filed May 12, 1902.
A true copy.
Test this 5th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 140

FINDINGS IN THE CASE OF SCHOONER ANNE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER ANNE, BENJAMIN PRINCE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Anne*, Benjamin Prince, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Anne*, Benjamin Prince, master.]

No. of cases.	Claimant.
5494.	Nathan Cleaves, administrator of Beneiah Merrill, *v.* The United States.
5496.	Nathan Cleaves, administrator of Hugh McLellan, *v.* The United States.
5503.	Nathan Cleaves, administrator of Nathan Merrill, *v.* The United States.

These cases were tried before the Court of Claims on the 22d day of April, 1907. The claimants were represented by John St. C. Brookes, esq., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885. (23 Stat. L., 283.)

BY THE COURT.

Filed April 29, 1907.
A true copy.
Test this 4th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER WHIM

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER WHIM, PETER FRYE, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

---

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Whim*, Peter Frye, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Whim*, Peter Frye, master.]

No. of case.	Claimants.
98.	William Gray, administrator, etc., *v.* The United State..
1030.	George Peabody, surviving executor of Joseph Peabody, *v.* The United States.
2371.	Francis Cox, administrator of John Bar, *v.* The United States.
	Francis L. Lowell, administrator of Benjamin Goodhue, *v.* The United States.
	Horatio P. Pierson, administrator of Abel Lawrence, *v.* The United States.
	Charles S. Nichols, administrator of Ichabod Nichols, *v.* The United States.
	George M. Whipple, administrator of John Norris, *v.* The United States.
	David Pingree, administrator of Thomas Perkins, *v.* The United States.
	Henry Gardner, surviving executor of Nathaniel West, *v.* The United States.
2406.	Horace B. Sargent, jr., administrator of Daniel Sargent, *v.* The United States.
2565.	Fisher Ames, administrator of Fisher Ames, *v.* The United States.
3062.	Horace B. Sargent, jr., administrator of Daniel Sargent, *v.* The United States.
5255.	Charles H. Adams, administrator of Henry Gardner, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Charles W. Claggett, Curtis & Pickett, Edward Lander, and George A. King, and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the

private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH.
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER PEGGY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER PEGGY, GEORGE BENTON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Peggy*, George Benton, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Peggy*, George Benton, master.]

No. of case.	Claimants.
402.	Mary A. Williams, administratrix of Ezekiel Williams, *v.* The United States.
1364.	George G. Sill, administrator of John Chenevard, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by A. S. Hutchins and George G. Sill, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER REGULATOR, SMITH, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER REGULATOR, HUGH SMITH, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Regulator*, Hugh Smith, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Regulator*, Hugh Smith, master.]

No. of case.	Claimants.
1307.	The President and Directors of the Insurance Company of North America *v.* The United States.
1460.	N. Dubois Miller, administrator, et al., *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by J. Bayard Henry, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER RUTH

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER RUTH, DANIEL SAYARD, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Ruth*, Daniel Sayard, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Ruth*, Daniel Sayard, master.]

No. of case. Claimant.

3874. John E. Dearborn, administrator of Seth Woodbury, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by J. W. Butterfield, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER TWO BROTHERS

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER TWO BROTHERS, JOHN LYMBURNER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Two Brothers*, John Lymburner, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Two Brothers*, John Lymburner, master.]

No. of case.	Claimant.
537.	Horatio J. Locke, administrator of John Lymburner, *v.* The United States.
1059.	Langley J. Hoag, administrator of Robert Miller, *v.* The United States.
3182.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.
3662.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
3889.	George C. Miller, administrator of James Miller, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Allan Ritherford, L. Deane, Curtis & Pickett, and Lawrence Lewis, jr., and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of the said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 18, 1907.
A true copy.
Test this 18th day of November, 1907
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER PARAGON

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER PARAGON, STEPHEN GRANT, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Paragon*, Stephen Grant, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Paragon*, Stephen Grant, master.]

No. of case.	Claimant.
72.	William Gray, administrator, etc., *v.* The United States.
983.	Joseph Titcomb, administrator of Michael Wise, surviving partner of Wise & Grant, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Charles W. Clagett and William T. S. Curtis, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER PAULINA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SCHOONER PAULINA, DA COSTA, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Paulina*, Da Costa, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Paulina*, Da Costa, master.]

No. of case.	Claimant.
1287.	The President and Directors of the Insurance Company of North America v. The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by J. Bayard Henry, and the United States, defendant, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER WILMINGTON PACKET

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER WILMINGTON PACKET, DANIEL FRANCIS, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Wilmington Packet*, Daniel Francis, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Wilmington Packet*, Daniel Francis, master.]

No. of case.	Claimants.
1512.	Henry E. Young, administrator of Daniel O'Hara, *v.* The United States.
2694.	Jane N. Cosimini, administratrix of Daniel O'Hara, *v.* The United States.
3296.	Henry D. Alexander, administrator of Daniel Alexander, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett and Robert Christy, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER NABBY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER NABBY, JAMES CLIFFORD, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Nabby*, James Clifford, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner Nabby, James Clifford, master.]

No. of case.	Claimants.
3414.	Isaac H. Coffin, administrator of Moses Carleton, *v.* The United States.
4357.	Albert G. Dale, administrator of Timothy Woodman, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Henry Ingalls and J. W. Butterfield, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER BOSTON

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SCHOONER BOSTON, ROBERT CHARLTON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

---

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Boston*, Robert Charlton, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Boston*, Robert Charlton, master.]

No. of case.	Claimant.
1345.	Henry Pettit, administrator of Andrew Pettit et al., *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by J. Bayard Henry, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed January 28, 1907.
A true copy.
Test this 16th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG PAMELA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG PAMELA, JAMES MERRIHEW, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Pamela*, James Merrihew, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Pamela*, James Merrihew, master.]

No. of case.	Claimant.
4597.	Louis Duval, administrator of James S. Duval, v. The United States.

This case was tried before the Court of Claims on the 22d day of April, 1907.

The claimant was represented by John C. Clark, esq., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decides that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885. (23 Stat. L., 283.)

BY THE COURT.

Filed April 29, 1907.
A true copy.
Test this 4th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG BRANDYWINE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL BRIG BRANDYWINE, PERRY G. ARNOLD, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claim set out in the annexed findings by the court relating to the vessel brig *Brandywine*, Perry G. Arnold, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Brandywine*, Perry G. Arnold, master.]

No. of case. Claimant.

4465. Daniel Watson, administrator of Stephen Arnold, *v.* The United States.

This case was tried before the Court of Claims on the 22d day of April, 1907.

The claimant was represented by Edward Lander, esq., and the United States by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed April 29, 1907.
A true copy.
Test this 4th day of June 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SCHOONER BOSTON

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SCHOONER BOSTON, ROBERT CHARLTON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

---

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Boston*, Robert Charlton, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Boston*, Robert Charlton, master.]

No. of case.	Claimant.
1345.	Henry Pettit, administrator of Andrew Pettit et al., *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by J. Bayard Henry, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed January 28, 1907.
A true copy.
Test this 16th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG FELLS POINT

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF FACT AND OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG FELLS POINT, WILLIAM CREIGHTON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Fells Point*, William Creighton, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed. 471. Vessel brig *Fells Point*, William Creighton, master.]

No. of case.	Claimant.
2451.	Herman Stump, administrator of James Biays, *v.* The United States.
	William Donnell, administrator of John Donnell, surviving partner of John Donnell & Son, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 30th day of April, 1902.

The claimants were represented by Theodore J. Pickett, William T. S. Curtis, and John E. Semmes, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Louis A. Pradt.

CONCLUSIONS OF FACT.

The Court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I.

The brig *Fells Point*, William Creighton, master, sailed on or about the 13th day of September, 1797, from Baltimore bound for Havana. While peacefully pursuing said voyage she was seized on the high seas by the French privateer *Frelon*, Capt. Paul Lessen, and afterwards both vessel and cargo condemned as good prize by the tribunal of prizes at Guadaloupe.

The grounds of condemnation as set forth in the list of abstracts of judgments rendered in prize cases by the tribunal of prizes at Guadaloupe, from the 14th of October, 1794, to the 28th of October, 1798, are as follows:

FINDINGS IN CASE OF BRIG FELLS POINT

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF FACT AND OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG FELLS POINT, WILLIAM CREIGHTON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Fells Point*, William Creighton, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed. 471. Vessel brig *Fells Point*, William Creighton, master.]

No. of case.	Claimant.
2451.	Herman Stump, administrator of James Biays, *v.* The United States.
	William Donnell, administrator of John Donnell, surviving partner of John Donnell & Son, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 30th day of April, 1902.

The claimants were represented by Theodore J. Pickett, William T. S. Curtis, and John E. Semmes, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Louis A. Pradt.

CONCLUSIONS OF FACT.

The Court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I.

The brig *Fells Point*, William Creighton, master, sailed on or about the 13th day of September, 1797, from Baltimore bound for Havana. While peacefully pursuing said voyage she was seized on the high seas by the French privateer *Frelon*, Capt. Paul Lessen, and afterwards both vessel and cargo condemned as good prize by the tribunal of prizes at Guadaloupe.

The grounds of condemnation as set forth in the list of abstracts of judgments rendered in prize cases by the tribunal of prizes at Guadaloupe, from the 14th of October, 1794, to the 28th of October, 1798, are as follows:

"The brig *Fells Point*, Capt. William Creighton, prize made by the privateer *Frelon*, Capt. Paul Lessen, the whole a good prize; no charter party, supercargo Irish and naturalized an \merican only since the present war; that is to say, two years from this date, February 23, 1798."

II.

The *Fells Point* was a duly registered vessel of the United States of 144$\frac{11}{94}$ tons burthen, built in Maryland in 1794, and owned solely by James Biays, a citizen of the United States, residing in Baltimore.

III.

The cargo of the *Fells Point* consisted of 1,216 barrels of flour and one trunk of merchandise, but who were the owners of same is not shown by the evidence.

IV.

It appears from the evidence that the said vessel after the date of said condemnation, to wit, June 22, 1798, was registered by the same owner, the said James Biays, on proof being made of the loss of her former register. It is not shown what loss, if any, was suffered by the parties herein on the said vessel, cargo, or freight, by reason of said seizure and condemnation.

V.

The claimant herein, Herman Stump, has produced letters of administration on the estate of the party represented by him and has otherwise proved to the satisfaction of the court that the person whom he represents is the same person who suffered the alleged loss by the seizure and condemnation of the *Fells Point* as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803; it was not a claim growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain, concluded on the 22d of February, 1819, and was not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimant, in his representative capacity, is the owner of said claim, which has never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that it not being established by the evidence what loss was suffered by reason of said seizure and condemnation, the claimants are not entitled to indemnity from the United States.

BY THE COURT.

Filed May 12, 1902.
A true copy.
Test this 5th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG MARY, PETTIS, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF FACT AND OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG MARY, HENRY PETTIS, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Mary*, Henry Pettis, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471 Vessel, brig *Mary*, Henry Pettis, master.]

No. of case.	Claimants.
2848.	Marie Bowers Wheelwright, administratrix of John Bowers, *v.* The United States.
1543.	Brooks Adams, administrator of Peter C. Brooks, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
	A. Lawrence Lowell, administrator of Nathaniel Fellowes, *v.* The United States.
	Chandler Robbins, administrator of Joseph Russell, *v.* The United States.
2044.	George G. King, administrator of Crowell Hatch, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 17th day of April, 1906. The claimants were represented by George A. & William B. King, with whom was L. C. Black, esq., and Curtis & Pickett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

1.

The brig *Mary*, Henry Pettis, master, sailed on a commercial voyage on the 24th day of June, 1799, from Matthew Bay, Jamaica, bound for Somerset, Mass. While peacefully pursuing said voyage she was seized on the high seas on the 6th day of

August, 1799, by an alleged French privateer, which took from the *Mary* Henry Pettis, her master; John Brown, mate, and 5 seamen, and placed on board a prize crew of 8 men, with orders to conduct said vessel to Porto Rico.

On the 13th day of said month of August the *Mary* was retaken by the British letter of marque *Melvine*, William B. Brown, commander, and after a detention of one night and part of one day, under an agreement between one Benjamin Bowers, a merchant on board the *Mary*, and the commander of the *Melvine*, by which the commander of the British vessel was paid the sum of $6 000 by said Bowers, the *Mary* and her cargo were released and proceeded on her voyage.

It does not appear what papers were on board the *Mary* at the time of capture; neither does it appear that said alleged privateer was acting under the authority of the French Government.

II.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th day of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d day of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

CONCLUSION OF LAW.

The court decides as conclusion of law, on the authority of the *Fame*, Brown (36 C. Cls. R., 361), and the case of the *Berkeley*, Clark, that the owners and insurers did not have valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800, and that the claimants are not entitled to indemnity from the United States.

BY THE COURT.

Filed May 7, 1906.
A true copy.
Test this 5th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 155

FINDINGS IN CASE OF BRIG CATHERINE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL BRIG CATHERINE, JAMES DRYSDALE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Catherine*, James Drysdale, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, brig *Catherine*, James Drysdale, master.

No. of case.	Claimant.
5.	Glorvina Fort, formerly Glorvina Mullowny, administratrix of John Mullowny, *v.* The United States.

PRELIMINARY STATEMENT.

This case was tried before the Court of Claims on the 19th day of March, 1907.

The claimants were represented by William T. S. Curtis, Theodore J. Pickett, and Thomas Stokes, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I.

The brig *Catherine*, James Drysdale, master, while on her return voyage from the West Indies to Philadelphia, was captured June 8, 1793, by the French privateer *L'Ambuscade*, Captain Bompart, when off the coast of the State of New Jersey and within one-half mile of the shore. The said brig was owned by John Mullowny, sr., a subject of Great Britain, commanded by James Drysdale, a subject of Great Britain, manned by a British crew, and documented as a British vessel, and at said time the Kingdom of Great Britain and the French Republic were at war as public enemies. She was laden with a cargo of rum, ginger, and pimento, the property of John Mullowny, jr., a citizen of the United States.

The said John Mullowny, sr., died about March 1, 1793, while said brig was at sea, and about March 11, 1793, George Meade and John Dunkin were appointed as administrators of his estate. The vessel was taken by the captor into New York, and was there libeled in the district court of the United States for the district of New York by said George Meade and John Dunkin, as administrators aforesaid, the said John Mullowny, jr., joining in said libel. On June 26, 1794, the said court decreed the release of said vessel and cargo and awarded damages to the libellant.

II.

The *Catherine* was a brig of 85 tons burden and was owned solely by John Mullowny, sr., a subject of Great Britain, the legal title and ownership of said vessel from the time of his death until after the release aforesaid being vested in George Meade and John Dunkin, as his administrators aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said vessel was owned by a subject of Great Britain, and that this court has no jurisdiction of said claim under the renunciation of the second article of the treaty of September 30, 1800, between France and the United States, and the jurisdictional act approved January 20, 1885.

BY THE COURT.

Filed April 1, 1907.
A true copy.
Test this 5th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG PARAMARIBO

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG PARAMARIBO, GEORGE CREED, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Paramaribo*, George Creed, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, brig *Paramaribo*, George Creed, master.]

No. of case.	Claimant.
1775.	Gustavus W. Ridgely, administrator of George P. Keeports, *v.* The United States.
1785.	David Stewart and John E. Semmes, receivers of the Baltimore Insurance Company, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Frank P. Clark, and the United States, defendant, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG LUCY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG LUCY, BENJAMIN JACOBS, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Lucy*, Benjamin Jacobs, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Lucy*, Benjamin Jacobs, master.]

No. of case.	Claimant.
80.	William Gray, administrator, etc., *v.* The United States.
1025.	Joseph Jacobs, administrator of Benjamin Jacobs, *v.* The United States.
1191.	Elizabeth P. Frost, administratrix of John Frost, *v.* The United States.
	Nathaniel Symonds, administrator of Stephen Low, *v.* The United States.
2370.	John H. Silsbee, administrator of Benjamin Hodges, *v.* The United States.
	Francis E. Lovell, administrator of Benjamin Goodhue, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Charles W. Clagett and Edward Lander, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG AMELIA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG AMELIA, JAMES R. CALENDAR, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Amelia*, James R. Calendar, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Amelia*, James R. Calendar, master.]

No. of case.	Claimant.
219.	The President and Directors of the Insurance Company of North America *v.* The United States.
222.	The Insurance Company of the State of Pennsylvania *v.* The United States.
224.	T. B. Bleecker, jr., and Charles C. Leary, receivers of the New York Insurance Company, *v.* The United States.
371.	Francis R. Pemberton, administrator, etc., of John Clifford, *v.* The United States.
1432.	William A. M. Fuller et al., administrators, *v.* The United States.
1828.	Charles Willing, administrator of Thomas M. Willing, *v.* The United States.
2737.	The City of Philadelphia, administrator of Stephen Girard, *v.* The United States.
3207.	John N. A. Griswold, trustee of the United Insurance Company, *v.* The United States.
3849.	Robert Wells, administrator of Gideon H. Wells, *v.* The United States.
4439.	Rhode Island Hospital Trust Company, trustees, etc., *v.* The United States.

These cases were tried before the Court of Claims on the 22d day of April, 1907.

The claimants were represented by J. Bayard Henry, Curtis & Pickett, John H. Merrill, and Edward Lander, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the

private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed April 29, 1907.
A true copy.
Test this 4th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 159

FINDINGS IN CASE OF BRIG BETSEY, STEWART, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL BRIG BETSEY, WILLIAM STEWART, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claim set out in the annexed findings by the court relating to the vessel brig *Betsey*, William Stewart, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Betsey*, William Stewart, master.

No. of case. Claimant.

3452. Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.

This case was tried before the Court of Claims on the 22d day of April, 1907.

The claimant was represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed April 29, 1907.
A true copy.
Test this 4th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG DELIGHT

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG DELIGHT, E. SHEPHERD, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Delight*, E. Shepherd, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 282. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Delight*, E. Shepherd, master.]

No. of case.	Claimants.
2472.	Horace B. Sargeant, jr., administrator of Daniel Sargent, *v.* The United States.
3484.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.

These cases were tried before the Court of Claims on the 22d day of April, 1907.

The claimants represented by Curtis & Pickett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819; and were paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

Filed April 29, 1907.

BY THE COURT.

A true copy.
Test this 4th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG LIBERTY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG LIBERTY, THEODORE STANWOOD, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Liberty*, Theodore Stanwood, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Liberty*, Theodore Stanwood, master.]

No. of case.	Claimants.
1756.	Aaron Parsons, administrator of John Somes, *v.* The United States.
	David Low, administrator of Eliphalet Davis, *v.* The United States.
1820.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.
2250.	Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by A. H. Cragin and Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of the said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG GEORGE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG GEORGE, HUBBARD, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *George*, —— Hubbard, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, brig George, Hubbard, master.]

No. of case.	Claimant.
3399.	John N. A. Griswold, trustee of the Columbian Insurance Company v. The United States.
4577.	William H. S. Ehing, administrator of Peter Ehing, v. The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Curtis & Pickett and John C. Clark, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG HANNAH

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG HANNAH, J. LEECH, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Hannah*, J. Leech, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Hannah*, J. Leech, master.]

No. of case.	Claimants.
1779.	James G. Freeman, receiver of the Boston Marine Insurance Company, *v.* The United States.
3023.	Horace B. Sargent, administrator of Daniel Sargent, *v.* The United States.
3026.	Horace B. Sargent. administrator of Daniel Sargent, *v.* The United States.
3530.	Charles T. Love ing. administrator of Joseph Taylor, *v.* The United States.
3531.	Charles T. Love.ing, administrator of Joseph Taylor, *v.* The United States.
3532.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
3533.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
3917.	John H. Moriarity, administrator of James Scott, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 164

FINDINGS IN CASE OF BRIG GRATITUDE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG GRATITUDE, JOSEPH REYNOLDS, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Gratitude*, Joseph Reynolds, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Gratitude*, Joseph Reynolds, master.]

No. of case.	Claimants.
554.	The President and Directors of the Insurance Company of North America *v.* The United States.
566.	The Insurance Company of the State of Pennsylvania *v.* The United States.
2505.	John Pentland Brown, receiver of the Marine Insurance Company, *v.* The United States.
5296.	Charles H. Spain, administrator of Joseph Reynolds, *v.* The United States.
5438.	Ferdinand C. Latrobe, receiver of the Marine Insurance Company, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by J. Bayard Henry, George A. King, McPherson & Jordan, and Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG FRANKLIN

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG FRANKLIN, BENJAMIN CHANDLER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Franklin*, Benjamin Chandler, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Franklin*, Benjamin Chandler, master.]

No. of case.	Claimant.
2509.	Peter Thacher et al., executors of Barrett Potter, *v.* The United States.
3018.	Charles H. Blaisdell, administrator of Samuel Dennett, *v.* The United States.
3381.	John N. A. Griswold, trustee of the Columbian Insurance Company, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by George A. King and Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG MARY, T. BARNUM, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG MARY, T. BARNUM, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Mary*, T. Barnum, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Mary*, T. Barnum, master.]

No. of case.	Claimants.
1989.	Joseph Price, administrator of J. J. McLanahan, *v.* The United States.
	Joseph Price, administrator of Robert Montgomery, *v.* The United States.
	Joseph Price, administrator of John Montgomery, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG ALLIANCE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG ALLIANCE, DANIEL DESHON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Alliance*, Daniel Deshon, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d Ed., 471. Vessel brig *Alliance*, Daniel Deshon, master.]

No. of case.	Claimants.
17.	William Gray, administrator, etc., *v.* The United States.
5256.	George F. Calef, administrator of Daniel Deshon, *v.* The United States.
5257.	George F. Calef, administrator of Thomas G. Thornton, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Charles W. Clagett and Leon D. Geneste, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG RUBY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL BRIG RUBY, JAMES ART, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Ruby*, James Art, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Ruby*, James Art, master.]

No. of case.	Claimant.
1310.	The president and directors of the Insurance Company of North America *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by J. Bayard Henry, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG RUTH

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG RUTH, SAMUEL TOWNSEND, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Ruth*, Samuel Townsend, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Ruth*, Samuel Townsend, master.]

No. of case.	Claimants.
2516.	Viets G. Peck, executor of Nicholas Peck, *v.* The United States.
	Stephen T. Church and William Howe Church, executors of Thomas Church, *v.* The United States.
	James D. Wardwell, administrator of James Wardwell, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by A. H. Cragin, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG LITTLE MARIA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG LITTLE MARIA, JOHN THOMPSON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Little Maria*, John Thompson, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Little Maria*, John Thompson, master.]

No. of case.	Claimant.
317.	John J. Helm and William W. Vasse, administrators of Ambrose Vasse, *v.* The United States.
416.	Francis R. Pemberton, administrator of John Clifford, *v.* The United States.
1447.	William Brooke Rawle, administrator, et al., *v.* The United States.
3848.	Robert Wells, administrator of Gideon H. Wells, *v.* The United States.
5057.	O. L. Wullweber, administrator of Israel Brown, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by John A. Toomey, J. Bayard Henry, John H. Merrill, and A. Chester, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG NABBY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG NABBY, JAMES GARDNER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Nabby*, James Gardner, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Nabby*, James Gardner, master.]

No. of case.	Claimants.
114.	John Morton Clinch, administrator of Perez Morton, *v.* The United States.
3583.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
4176.	William I. Monroe, administrator of John Brazer, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were cleaims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, 1907.
[SEAL.]

JOHN RANDOLPH.
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG GEORGE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG GEORGE, HUBBARD, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *George*, —— Hubbard, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, brig *George*, Hubbard, master.]

No. of case.	Claimant.
3390.	John N. A. Griswold, trustee of the Columbian Insurance Company *v.* The United States.
4577.	William H. S. Elting, administrator of Peter Elting, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, and John C. Clark, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG BETSEY, HALIBURTON, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG BETSEY, GEORGE HALIBURTON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Betsey*, George Haliburton, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Betsey*, George Haliburton, master.]

No. of case.	Claimants.
3454.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
4170.	Lucy S. Cushing, administratrix of Jacob Sheafe, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 2d day of February, 1819, and were paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH.
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG EUCHARIS

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG EUCHARIS, W. PRICE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Eucharis*, W. Price, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Eucharis*, W. Price, master.]

No. of case.	Claimants.
1792.	David Stewart and John E. Semmes, receivers of the Baltimore Insurance Company, *v.* The United States.
1851.	George M. Gill, administrator of Gabriel Wood, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by John E. Semmes, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1855 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG FRANKLIN

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG FRANKLIN, BENJAMIN CHANDLER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Franklin*, Benjamin Chandler, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Franklin*, Benjamin Chandler, master.]

No. of case.	Claimant.
2509.	Peter Thacher et al., executors of Barrett Potter, *v.* The United States.
3018.	Charles H. Blaisdell, administrator of Samuel Dennett, *v.* The United States.
3381.	John N. A. Griswold, trustee of the Columbian Insurance Company, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by George A. King and Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG EUCHARIS

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG EUCHARIS, W. PRICE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Eucharis*, W. Price, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Eucharis*, W. Price, master.]

No. of case.	Claimants.
1792.	David Stewart and John E. Semmes, receivers of the Baltimore Insurance Company, *v.* The United States.
1851.	George M. Gill, administrator of Gabriel Wood, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by John E. Semmes, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1855 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG FLORA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG FLORA, SAMUEL CRESWELL, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Flora*, Samuel Creswell, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Flora*, Samuel Creswell, master.]

No. of case.	Claimant.
295.	A. Louis Eakin, administrator of Chandler Price, *v.* The United States.
410.	Francis R. Pemberton, administrator of John Clifford, *v.* The United States.
439.	William Mifflin, administrator of Ebenezer Large, *v.* The United States.
789.	The President and Directors of the Insurance Company of North America *v.* The United States.
1439.	William A. M. Fuller, administrator, et al., *v.* The United States.
1489.	William W. Vasse, administrator of Ambrose Vasse, *v.* The United States.
2545.	Frederick W. Meeker, administrator of Samuel Meeker, *v.* The United States.
2745.	The City of Philadelphia, administrator of Stephen Girard, *v.* The United States.
3129.	Alexander C. M. Pennington, heir of Joseph Ball, *v.* The United States.
3842.	Robert Wells, administrator of Gideon H. Wells, *v.* The United States.
5047.	O. L. Wullweber, administrator of Israel Brown, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Curtis & Pickett, John A. Toomey, John H. Merrill, J. Bayard Henry, J. Hubley Ashton, and George A. King, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG FAVORITE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL BRIG FAVORITE, BENJAMIN SEABURY, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Favorite*, Benjamin Seabury, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Favorite*, Benjamin Seabury, master.]

No. of case.	Claimant.
4075.	Ann C. Fry and Mary H. Fry, administratrices of Benjamin Fry, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Cole & Cole and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG FRIENDSHIP

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG FRIENDSHIP, WILLIAM YOUNG, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the brig *Friendship*, William Young, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Friendship*, William Young, master.]

No. of case.	Claimant.
2326.	Stephen F. Fairfield, administrator of William Taylor, *v.* The United States.
2510.	Peter Thatcher et al, executors of Barrett Potter, *v.* The United
2618.	Herbert R. Sargent, administrator of Payne Elwell, *v.* The United States.
5567.	John S. Webber, administrator of Payne Elwell, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Edwin B. Smith, George A. King, and Edward Lander, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1880; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed, October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG RUBY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL BRIG RUBY, JAMES ART, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

---

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Ruby*, James Art, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Ruby*, James Art, master.]

No. of case.	Claimant.
1310.	The president and directors of the Insurance Company of North America *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by J. Bayard Henry, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG RUTH

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG RUTH, SAMUEL TOWNSEND, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Ruth*, Samuel Townsend, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Ruth*, Samuel Townsend, master.]

No. of case.	Claimants.
2516.	Viets G. Peck, executor of Nicholas Peck, *v.* The United States.
	Stephen T. Church and William Howe Church, executors of Thomas Church, *v.* The United States.
	James D. Wardwell, administrator of James Wardwell, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by A. H. Cragin, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG LITTLE MARIA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG LITTLE MARIA, JOHN THOMPSON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Little Maria*, John Thompson, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Little Maria*, John Thompson, master.]

No. of case.	Claimant.
317.	John J. Helm and William W. Vasse, administrators of Ambrose Vasse, *v.* The United States.
416.	Francis R. Pemberton, administrator of John Clifford, *v.* The United States.
1447.	William Brooke Rawle, administrator, et al., *v.* The United States.
3848.	Robert Wells, administrator of Gideon H. Wells, *v.* The United States.
5057.	O. L. Wullweber, administrator of Israel Brown, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by John A. Toomey, J. Bayard Henry, John H. Merrill, and A. Chester, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG NABBY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG NABBY, JAMES GARDNER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Nabby*, James Gardner, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Nabby*, James Gardner, master.]

No. of case.	Claimants.
114.	John Morton Clinch, administrator of Perez Morton, *v.* The United States.
3583.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
4176.	William I. Monroe, administrator of John Brazer, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were cleaims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, 1907.
[SEAL.]

JOHN RANDOLPH.
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG EUCHARIS

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG EUCHARIS, W. PRICE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Eucharis*, W. Price, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Eucharis*, W. Price, master.]

No. of case.	Claimants.
1792.	David Stewart and John E. Semmes, receivers of the Baltimore Insurance Company, *v.* The United States.
1851.	George M. Gill, administrator of Gabriel Wood, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by John E. Semmes, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1855 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG BETSEY, HALIBURTON, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG BETSEY, GEORGE HALIBURTON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Betsey*, George Haliburton, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Betsey*, George Haliburton, master.]

No. of case.	Claimants.
3454.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
4170.	Lucy S. Cushing, administratrix of Jacob Sheafe, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 2d day of February, 1819, and were paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH.
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG EUCHARIS

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG EUCHARIS, W. PRICE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Eucharis*, W. Price, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Eucharis*, W. Price, master.]

No. of case.	Claimants.
1792.	David Stewart and John E. Semmes, receivers of the Baltimore Insurance Company, *v.* The United States.
1851.	George M. Gill, administrator of Gabriel Wood, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by John E. Semmes, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1855 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG FLORA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG FLORA, SAMUEL CRESWELL, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Flora*, Samuel Creswell, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Flora*, Samuel Creswell, master.]

No. of case.	Claimant.
295.	A. Louis Eakin, administrator of Chandler Price, *v.* The United States.
410.	Francis R. Pemberton, administrator of John Clifford, *v.* The United States.
439.	William Mifflin, administrator of Ebenezer Large, *v.* The United States.
789.	The President and Directors of the Insurance Company of North America *v.* The United States.
1439.	William A. M. Fuller, administrator, et al., *v.* The United States.
1489.	William W. Vasse, administrator of Ambrose Vasse, *v.* The United States.
2545.	Frederick W. Meeker, administrator of Samuel Meeker, *v.* The United States.
2745.	The City of Philadelphia, administrator of Stephen Girard, *v.* The United States.
3129.	Alexander C. M. Pennington, heir of Joseph Ball, *v.* The United States.
3842.	Robert Wells, administrator of Gideon H. Wells, *v.* The United States.
5047.	O. L. Wullweber, administrator of Israel Brown, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907. The claimants were represented by Curtis & Pickett, John A. Toomey, John H. Merrill, J. Bayard Henry, J. Hubley Ashton, and George A. King, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG FAVORITE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL BRIG FAVORITE, BENJAMIN SEABURY, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Favorite*, Benjamin Seabury, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Favorite*, Benjamin Seabury, master.]

No. of case.	Claimant.
4075.	Ann C. Fry and Mary H. Fry, administratrices of Benjamin Fry, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Cole & Cole and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG FRIENDSHIP

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG FRIENDSHIP, WILLIAM YOUNG, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the brig *Friendship*, William Young, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Friendship*, William Young, master.]

No. of case.	Claimant.
2326.	Stephen F. Fairfield, administrator of William Taylor, *v.* The United States.
2510.	Peter Thatcher et al, executors of Barrett Potter, *v.* The United
2618.	Herbert R. Sargent, administrator of Payne Elwell, *v.* The United States.
5567.	John S. Webber, administrator of Payne Elwell, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Edwin B. Smith, George A. King, and Edward Lander, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1880; that they were not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed, October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 178

FINDINGS IN CASE OF BRIG DAVID AND GEORGE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW AND FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG DAVID AND GEORGE, EVERETT ABEEL, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C. December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claim set out in the annexed findings by the court relating to the vessel brig *David and George*, Everett Abeel, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk of Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *David and George*, Everett Abeel, master.]

No. of case.	Claimant.
3374.	John N. A. Griswold, trustee of the Columbian Insurance Company, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Curtis & Pickett and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG JULIA

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL BRIG JULIA, SAMUEL HOLT, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Julia*, Samuel Holt, master.

I am, very respectfully yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Julia*, Samuel Holt, master.]

No. of case.	Claimant.
413.	Francis R. Pemberton, administrator of John Clifford, *v.* The United States.
414.	Francis R. Pemberton, administrator of John Clifford, *v.* The United States.
443.	William Mifflin, administrator of Ebenezer Large, *v.* The United States.
823.	The Insurance Company of the State of Pennsylvania *v.* The United States.
833.	The President and Directors of the Insurance Company of North America *v.* The United States.
1442.	Henry Pettit, administrator, et al., *v.* The United States.
2497.	Frederick W. Meeker, administrator of Samuel Meeker, *v.* The United States.
2709.	George Meade, administrator of Thomas Ketland, *v.* The United States.
2747.	The City of Philadelphia, administrator of Stephen Girard, *v.* The United States.
3851.	Robert Wells, administrator of Gideon H. Wells, *v.* The United States.
5058.	O. L. Wullweber, administrator of Israel Brown, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by John A. Toomey, John H. Merrill, J. Bayard Henry, Curtis & Pickett, J. Hubley Ashton, and A. Chester, and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of the said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF BRIG RISING SUN

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL BRIG RISING SUN, JOHN WHIDBEE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Rising Sun*, John Whidbee, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Rising Sun*, John Whidbee, master.]

No. of case.	Claimant.
4031.	J. L. Hubard, administrator of William Pennock, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by Simon Lyon, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the 9th article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

By THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP TWO SISTERS

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP TWO SISTERS, DAVID FOLLENSBEE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Two Sisters*, David Follensbee, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, supplement to R. S., 2d ed., 471. Vessel ship *Two Sisters*, David Follensbee, master.]

No. of case.	Claimant.
3661.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
4194.	Charles F. Hunt, administrator of Joseph Russell, *v.* The United States.

These cases were tried before the Court of Claims on the 22d day of April, 1907.

The claimants were represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885. (23 Stat. L., 283.)

BY THE COURT.

Filed April 29, 1907.
A true copy.
Test this 4th day of June, 1907.
L.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

FINDINGS IN THE CASE OF SHIP WOODRUP SIMS

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP WOODRUP SIMS, JOHN B. HODGSON, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoilation claims set out in the annexed findings by the court relating to the vessel ship *Woodrup Sims*, John B. Hodgson, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Woodrup Sims*, John B. Hodgson, master. Second capture.]

No. of case.	Claimant.
925.	Joseph Sims, administrator of Joseph Sims, *v.* The United States.
1336.	The President and Directors of the Insurance Company of North America *v.* The United States.
1428.	The Insurance Company of the State of Pennsylvania *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 19th day of March, 1907.

The claimants were represented by J. Bayard Henry and Thomas Stokes, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determined the facts to be as follows:

I.

The ship *Woodrup Sims* sailed on a commercial voyage September 14, 1799, from London bound to Philadelphia. While peacefully pursuing said voyage she was met on the high seas by the French privateer *Le Heureux*, who attempted to seize said vessel. Thereupon there ensued a combat between said privateer and the *Woodrup Sims*, and the last-named vessel having lost two men killed and two wounded, and the vessel being much damaged, she was

obliged to strike to said privateer after more than four hours of resistance. The French privateer then proceeded with said vessel and arrived in the harbor of La Rochelle, where the *Woodrup Sims* was condemned by the tribunal of commerce sitting at that place on December 7, 1799 (17 Frimaire, year 8) on the following grounds:

"That the vessel did not lie to and submit to visitation, but instead fought said privateer and only surrendered when disabled and put hors de combat.

"That there was no rôle d'equipage carried by the captain of said vessel.

"That the cargo of said vessel was the product of England."

II.

The *Woodrup Sims* was a duly registered vessel of the United States of 305$\frac{14}{95}$ tons burthen; built at Philadelphia in the year 1794, and was owned solely by Joseph Sims, a citizen of the United States, residing in Philadelphia.

III.

The cargo of the *Woodrup Sims* at the time of capture consisted of dry goods, guns, and muskets, but the ownership or value of the same does not appear.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th day of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned.

CONCLUSIONS OF LAW.

The court decides, as a conclusion of law, that the said seizure and condemnation by the French was legal and that the claimants had no valid claims against France prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800, and therefore are not entitled to indemnity from the United States.

BY THE COURT.

Filed April 1, 1907.
A true copy.
Test this 15th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 183

FINDINGS IN CASE OF SHIP FAIR AMERICAN

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SHIP FAIR AMERICAN, JOHN C. BREVOOR, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Fair American*, John C. Brevoor, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, supplement to R. S., 2d., 471. Vessel ship *Fair American*, John C. Brevoor, master. Second voyage.]

No. of case.	Claimant.
2449.	Samuel Bell, administrator of Stephen Dutilh, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by J. Bayard Henry, and the United States, defendants by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim therein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP GEORGE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SHIP GEORGE, FRANCIS WAITE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *George*, Francis Waite, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. [1, Supplement to R. S., 2d ed., 471. Vessel ship *George*, Francis Waite, master.]

No. of case.	Claimant.
745.	The President and Directors of the Insurance Company of North America *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by J. Bayard Henry, and the United States, defendant, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP ELLICE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP ELLICE, WILLIAM HERVEY, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Ellice*, William Hervey, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Ellice*, William Hervey, master.]

No. of case.	Claimant.
3724.	William J. Kingsland, and Truman Weed, administrators of William Hervey, jr., and John Hervey, *v.* The United States.
4037.	Benjamin M. Hortshorne and Charles N. Black, exrs. of Richard Hartshorne, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Curtis and Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed, October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP OLIVE BRANCH.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP OLIVE BRANCH, MCCONNELL, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Olive Branch*, ——— McConnell, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Olive Branch*, McConnell, master.]

No. of case	Claimant.
3782.	John Pentland Brown, receiver of the Marine Insurance Company, The United States.
5437.	Ferdinand C. Latrobe, receiver of the Marine Insurance Company, *v.* The United States.
5440.	Ferdinand C. Latrobe, receiver of the Marine Insurance Company *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Allan Rutherford and Frank P. Clark, and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885. (23 Stat. L., 283.)

BY THE COURT.

Filed October 28, 1907.
A true copy:
Test this 16th day of November, A. D., 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP RUFUS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SHIP RUFUS, HOLLAND, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claim set out in the annexed findings by the court relating to the vessel ship *Rufus*, Holland, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23, Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Rufus*, Holland, master.]

No. of case. Claimant.

4584. William H. S. Elting, administrator of Peter Elting, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by John C. Clark, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP CHATHAM

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP CHATHAM, JAMES PETERS, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Chatham*, James Peters, master.

I am, very respectfully yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Chatham*, James Peters, master.]

No. of case.	Claimant.
4096.	William Seton, administrator William Seton, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by J. Bayard Henry, and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 189

FINDINGS IN CASE OF SHIP JANE, GARDNER, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP JANE, JOHN GARDNER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Jane*, John Gardner, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Jane*, John Gardner, master.]

No of case.	Claimant.
54.	William Gray, administrator, etc., *v.* The United States.
3193.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Edward Lander and Curtis & Pickett, and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP THREE BROTHERS

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP THREE BROTHERS, LENDAL SMITH, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the Court relating to the vessel ship *Three Brothers*, Lendal Smith, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Three Brothers*, Lendal Smith, master.]

No. of case.	Claimant.
3701.	Joseph S. Webster, administrator of Thomas Webster, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by Geo. A. and Wm. B. King, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 191

FINDINGS IN CASE OF SHIP INDUSTRY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP INDUSTRY, ROBERT ORAM, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Industry*, Robert Oram, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Industry*, Robert Oram, master.]

No. of case.	Claimant.
6552.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
3798.	Henry B. Cabot, administrator of Daniel D. Rogers, *v.* The United States.
4195.	W. I. Monroe, administrator of John Brazer, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Curtis & Pickett and Edward Lander, and the United State, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

While peacefully pursuing said voyage she was seized on the high seas, on the 15th day of February following, by the French privateer *Courageuse*, Capt. Victor Boisson, and *Reunion*, Captain Hubert, and carried to Basseterre, Guadaloupe, where both vessel and cargo were condemned as good prize by the tribunal of commerce and prizes there sitting on the 20th day of February, 1800, whereby the same became a total loss to the owners thereof.

The grounds of condemnation as set forth in the decree were as follows, viz:

"That the sea letter carried by the master of the *Swallow* was not in good form.

"That the vessel carried no rôle d'equipage.

"That the captain admitted that he had thrown in the sea letters that had been given him by a Frenchman with instructions to throw them overboard in case of a meeting."

In his examination in preparatorio, the master testified that he had thrown in the sea letters which had been given to him by a Frenchman with directions to throw them over in case of rencontre. He was not examined as to the contents or character of said letters, or to whom they were addressed, or to whom they were to be delivered. But in said examination an opportunity was afforded to the master to explain such jettison of said papers and he failed to make any explanation thereof.

II.

The *Swallow* was a duly registered vessel of the United States of 40$\frac{11}{95}$ tons burthen; built in the State of Connecticut in the year 1796, and was owned solely by Abraham Touro, a citizen of the United States residing in Boston.

III.

The cargo of the *Swallow* at the time of seizure consisted of rice, beef, pork, flour, fish, cheese, bacon, shoes, tongues, and sounds, crackers, apples, beans, corn, and shingles, and was owned by said Abraham Touro and Judah Touro, the last named being also a citizen of the United States residing in Boston, in equal proportions.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

CONCLUSION OF LAW.

The court decides, as conclusion of law, that said seizure and condemnation were legal and that the claimants had no valid claims against France prior to the ratification of the convention between France and the United States concluded on the 30th day of September, 1800, and therefore the claimants are not entitled to indemnity from the United States.

BY THE COURT.

Filed April 1, 1907.
A true copy.
Test this 5th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SLOOP WINDSOR PACKET

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SLOOP WINDSOR PACKET, EMANUEL SEWARD, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
WASHINGTON, D. C., *December 4, 1907.*

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Windsor Packet*, Emanuel Seward, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1. Supplement to R. S., 2d ed., 471. Vessel sloop *Windsor Packet*, Emanuel Seward, master.]

No. of case.	Claimant.
99.	Edmund D. Codman, administrator of William Gray, *v.* The United States.
3875.	Francis A. Jewett, administrator of James Prince, *v.* The United States.
4326.	Franklin A. Wilson et al., administrators of John Pearson et al., *v.* The United States.
4338.	Franklin A. Wilson et al., administrators of John Pearson et al., *v.* The United States.
4484.	Joseph A. Titcomb, administrator of John Wells, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 12th day of March, 1907.

The claimants were represented by John W. Butterfield and Charles W. Clagett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I.

The sloop W *ndsor Packet*, Emanuel Seward, master, sailed on a voyage on or about the 1 of August, 1798, bound to the West Indies. While peace-

fully pursuing said voyage she was seized on the high seas by the French privateer *L'Amelius*, Capt. Honore Andrien, on or about September 28, 1798, and thereafter said vessel and cargo were condemned by the tribunal of commerce and prizes sitting at Basseterre, Guadaloupe, on the 4th day of October, 1798 (6th Vendemiaire, year 7), on the following grounds, viz:

"1. That the vessel, which was bound for Tobago, an English island, went to Martinique and St. Lucia, where she sold part of her cargo, thereby violating her papers.

"2. That she had on board prohibited articles, such as tarpaulin, tar, and rosin.

"3. That she had no rôle d'équipage; that her bill of lading and invoice are not in order, they not having been signed by the competent authorities."

II.

The *Windsor Packet* was a duly registered vessel of the United States of 83$\frac{53}{95}$ tons burthen, built at Plymouth, Mass., in the year 1783, and was owned solely by Enoch C. Toppan, a citizen of the United States.

III.

The cargo of the *Windsor Packet* at the time of capture consisted of salt fish, timber, paints, tar, pitch, rosin, etc., and was the property of Emanuel Seward, Enoch C. Toppan, and other citizens of the United States, upon which vessel and cargo aforesaid the owners thereof obtained policies of insurance.

Said claims were not embraced in the convention between the United States and the Republic of France, concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain, concluded on the 22d day of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSION OF LAW.

The court decides as conclusion of law that, the cargo of this vessel being composed partly of contraband articles destined for an English port after the abrogation of the treaty, said seizure and condemnation were legal and the claimants are not entitled to indemnity from the United States.

BY THE COURT.

Filed March 18, 1907.
A true copy.
Test this 5th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SLOOP SWALLOW

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SLOOP SWALLOW, NATHANIEL CHADWICK, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Swallow*, Nathaniel Chadwick, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel sloop *Swallow*, Nathaniel Chadwick, master.]

No. of case.	Claimant.
2220.	Francis M. Boutwell, administrator of Abraham Touro, *v.* The United States.
3753.	Archibald M. Howe, administrator of Francis Green, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 12th day of March, 1907.

The claimants were represented by William T. S. Curtis, Theodore J. Pickett, and Frank W. Hackett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I.

The sloop *Swallow*, whereof Nathaniel Chadwick was then master, sailed on a commercial voyage on the 15th day of January in the year 1800 from Boston, bound to St. Bartholomew.

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 195

FINDINGS IN CASE OF SLOOP PEGGY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SLOOP PEGGY, HENRY LEADER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claim set out in the annexed findings by the court relating to the vessel sloop *Peggy*, Henry Leader, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, supplement to R. S., 2d ed., 471. Vessel sloop *Peggy*, Henry Leader, master.]

No. of case.	Claimant.
3195.	Edmund Waddill, jr., administrator of Jedediah Leeds et al. *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court upon the evidence, and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 18th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SLOOP CLEMENTINE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SLOOP CLEMENTINE, BENJAMIN GREEN, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Clementine*, Benjamin Green, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel sloop *Clementine* Benj. Green, master.]

No. of case.	Claimant.
2572.	The Rhode Island Hospital Trust Co., trustees, etc., *v.* The United States.

This case was tried before the Court of Claims on the 22d day of April, 1907.

The claimant was represented by Edward Lander, esq., and the United States by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein arose subsequent to the conclusion of the treaty between the United States and France on the 30th day of September, 1800; that it was not included in the private claims relinquished under the second article of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed April 29, 1907.
A true copy.
Test this 4th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SNOW TRAVELLER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SNOW TRAVELLER, BAZACHIAH PAINE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel snow *Traveller*, Bazachiah Paine, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel snow *Traveller*, Bazachiah Paine, master.]

No. of case.	Claimants
1562.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.
2280.	Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, *v.* The United States.
3176.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.

These cases were tried before the Court of Claims on the 22d day of April, 1907. The claimants were represented by Curtis & Pickett, and the United States, defendant, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein arose subsequent to the conclusion of the treaty between the United States and France, on the 30th day of September, 1800; that they were not included in the private claims relinquished under the second article of the said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed April 29, 1907.
A true copy.
Test this 4th day of June, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP GEORGE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SHIP GEORGE, FRANCIS WAITE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *George*, Francis Waite, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. [1, Supplement to R. S., 2d ed., 471. Vessel ship *George*, Francis Waite, master.]

No. of case.	Claimant.
745.	The President and Directors of the Insurance Company of North America *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by J. Bayard Henry, and the United States, defendant, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP ELLICE

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP ELLICE, WILLIAM HERVEY, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Ellice*, William Hervey, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Ellice*, William Hervey, master.]

No. of case.	Claimant.
3724.	William J. Kingsland, and Truman Weed, administrators of William Hervey, jr., and John Hervey, *v.* The United States.
4037.	Benjamin M. Hortshorne and Charles N. Black, exrs. of Richard Hartshorne, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Curtis and Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed, October 28, 1907.
A true copy.
Test this 16th day of November, 1907.
[SEAL.]

JOHN RANDOLPH.
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP OLIVE BRANCH.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP OLIVE BRANCH, MCCONNELL, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Olive Branch*, ——— McConnell, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Olive Branch*, McConnell, master.]

No. of case	Claimant.
3782.	John Pentland Brown, receiver of the Marine Insurance Company, The United States.
5437.	Ferdinand C. Latrobe, receiver of the Marine Insurance Company, *v.* The United States.
5440.	Ferdinand C. Latrobe, receiver of the Marine Insurance Company *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Allan Rutherford and Frank P. Clark, and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885. (23 Stat. L., 283.)

BY THE COURT.

Filed October 28, 1907.
A true copy:
Test this 16th day of November, A. D., 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP RUFUS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASE RELATING TO THE VESSEL SHIP RUFUS, HOLLAND, MASTER.

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claim set out in the annexed findings by the court relating to the vessel ship *Rufus*, Holland, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23, Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Rufus*, Holland, master.]

No. of case.	Claimant.
4584.	William H. S. Elting, administrator of Peter Elting, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by John C. Clark, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SHIP CHATHAM

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP CHATHAM, JAMES PETERS, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Chatham*, James Peters, master.

I am, very respectfully yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Chatham*, James Peters, master.]

No. of case. Claimant.

4096. William Seton, administrator William Seton, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by J. Bayard Henry, and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 16th day of November, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 189

FINDINGS IN CASE OF SHIP JANE, GARDNER, MASTER

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP JANE, JOHN GARDNER, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Jane*, John Gardner, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Jane*, John Gardner, master.]

No. of case.	Claimant.
54.	William Gray, administrator, etc., *v.* The United States.
3193.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Edward Lander and Curtis & Pickett, and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 190

FINDINGS IN CASE OF SHIP THREE BROTHERS

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP THREE BROTHERS, LENDAL SMITH, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the Court relating to the vessel ship *Three Brothers*, Lendal Smith, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Three Brothers*, Lendal Smith, master.]

No. of case.	Claimant.
3701.	Joseph S. Webster, administrator of Thomas Webster, *v.* The United States.

This case was tried before the Court of Claims on the 21st day of October, 1907.

The claimant was represented by Geo. A. and Wm. B. King, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decides that the claim herein was not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that it was a claim relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and was paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 191

FINDINGS IN CASE OF SHIP INDUSTRY

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP INDUSTRY, ROBERT ORAM, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, D. C., December 4, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Industry*, Robert Oram, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Industry*, Robert Oram, master.]

No. of case.	Claimant.
6552.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
3798.	Henry B. Cabot, administrator of Daniel D. Rogers, *v.* The United States.
4195.	W. I. Monroe, administrator of John Brazer, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by Curtis & Pickett and Edward Lander, and the United State, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence, and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819, and were paid in whole or in part under the provisions of said treaty, and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 192

FINDINGS IN CASE OF SHIP GOVERNOR MIFFLIN

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSION OF LAW IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP GOVERNOR MIFFLIN, JOHN DOVE, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
Washington, December 4, 1907.

SIR: Pursuant to the order of the Court of Claims I transmit herewith the conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Governor Mifflin*, John Dove, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliation. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Governor Mifflin*, John Dove, master.]

No. of case.	Claimant.
119.	Lydia B. Machette, administratrix of Joseph P. Musgrove *v.* The United States.
3717.	Emma M. Izard, executrix of Joseph Allen Smith, *v.* The United States.

These cases were tried before the Court of Claims on the 21st day of October, 1907.

The claimants were represented by J. Bayard Henry and Curtis & Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSION OF LAW.

The court, upon the evidence and after considering the same, decide that the claims herein were not included in the private claims relinquished under the second article of the treaty concluded between the United States and France on the 30th day of September, 1800; that they were claims relinquished under the ninth article of the treaty concluded between the United States and Spain on the 22d day of February, 1819; and were paid in whole or in part under the provisions of said treaty; and that the court has no jurisdiction thereof under the act of January 20, 1885 (23 Stat. L., 283).

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 15th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SLOOP WINDSOR PACKET

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SLOOP WINDSOR PACKET, EMANUEL SEWARD, MASTER

DECEMBER 5, 1907.—Referred to the Committee on Claims and ordered to be printed

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COURT OF CLAIMS,
WASHINGTON, D. C., *December 4, 1907.*

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Windsor Packet*, Emanuel Seward, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1. Supplement to R. S., 2d ed., 471. Vessel sloop *Windsor Packet*, Emanuel Seward, master.]

No. of case.	Claimant.
99.	Edmund D. Codman, administrator of William Gray, *v.* The United States.
3875.	Francis A. Jewett, administrator of James Prince, *v.* The United States.
4326.	Franklin A. Wilson et al., administrators of John Pearson et al., *v.* The United States.
4338.	Franklin A. Wilson et al., administrators of John Pearson et al., *v.* The United States.
4484.	Joseph A. Titcomb, administrator of John Wells, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 12th day of March, 1907.

The claimants were represented by John W. Butterfield and Charles W. Clagett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I.

The sloop *Windsor Packet*, Emanuel Seward, master, sailed on a voyage on or about the 10th day of August, 1798, bound to the West Indies. While peace-

The claimant in his petition makes the following allegations:

I. That he is the administrator of John Cook, deceased, his warrant of authority being herewith brought into court; that said decedent was during the late war a resident of the State of West Virginia, and did not give any aid or comfort to the said rebellion, but was throughout that war loyal to the Government of the United States.

II. That the following property belonging to said John Cook was taken from him by the United States Army, the date, place, and command being particularly stated below:

In Fayette County, in the State of West Virginia, in the winter of 1862, by Lieut. R. B. Gardner, quartermaster Twenty-third Ohio Volunteers, stationed at Fayetteville, to wit, 27 head of beef cattle, at $30 a head, $810.

III. That a claim for said property was presented to the Commissary-General, the items of said claim being as heretofore stated.

Said claim was not allowed by said tribunal, the ground for said action being that it was not considered that the claim was just.

That no other action than as aforesaid has been had on this claim in Congress or by any of the Departments; that the claimant is the sole owner of this claim and the only person interested therein; that no assignment or transfer of this claim, or of any part thereof or interest therein, has been made; that the claimant is justly entitled to the amount herein claimed from the United States after allowing all just credits and offsets; that the claimant is a citizen of the United States, and the claimant believes the facts as stated in this petition to be true.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

During the late civil war the military forces of the United States, for the use of the Army, by proper authority, took from the claimant's decedent in Fayette County, State of West Virginia, property of the kind and character described in the petition. The reasonable value thereof at the time and place of taking was the sum of five hundred and fifty dollars ($550).

No payment appears to have been made therefor.

BY THE COURT.

Filed October 28, 1907.

A true copy.

Test this 29th day of November, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF MARY E. HAYGOOD, HEIR OF JOHN M. LAWSON

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF MARY E. HAYGOOD, HEIR OF JOHN M. LAWSON, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 5, 1907.—Referred to the Committee on War Claims and ordered to be printed

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COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 10130. Mary E. Haygood, heir of John M. Lawson, deceased, *v.* The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that John M. Lawson, the person alleged to have furnished such supplies or stores or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed December 17, 1906.

[Court of Claims. Congressional case No. 10130. Mary E. Haygood, heir of John M. Lawson, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1900.

On a preliminary inquiry the court, on the 17th day of December, 1906, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 21st day of October, 1907. Messrs. George A. & Wm. B. King appeared for claimant and the Attorney-General,

by P. M. Ashford, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in her petition makes the following allegations:

1. That she is the daughter of John M. Lawson, deceased.

2. That the following property belonging to John M. Lawson was taken from him by the United States Army and used by the said Army, the date, place, and command being particularly stated below:

In Lauderdale County, in the State of Alabama, on or about the 5th day of November, 1864, by a brigade of United States troops under the command of Col. D. E. Goon, namely:

1. 500 bushels of corn	$750
2. 4,000 pounds of fodder	80
3. 11 head of pork hogs, 1,800 pounds	270
4. 11 head of stock hogs, 100 pounds each	100
5. 150 pounds of fodder	7
	1,207

3. That a claim for said property was presented to the Southern Claims Commission but was not allowed by said tribunal because the claimant had taken benefit from the bankruptcy law and was therefore not qualified to prosecute the claim.

4. That the said claim has been presented to the Fifty-sixth Congress and was by the House of Representatives of the said Fifty-sixth Congress referred to the Committee on War Claims of said House, by which committee it was, on the 27th day of March, 1900, referred to this court for a finding of the facts in accordance with section 1 of an act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

The court, upon the evidence and after the consideration of briefs and after hearing the arguments of the respective counsels, makes the following

FINDING OF FACT.

During the war for the suppression of the rebellion the military forces of the United States, for the use of the Army, by proper authority, took from the claimant's decedent in Lauderdale County, State of Alabama, property of the kind and character above described, which at the time and place of taking was reasonably worth the sum of nine hundred and twenty dollars ($920.00).

No payment appears to ever have been made therefor.

BY THE COURT.

Filed October 28, 1907.

A true copy.

Test this 29th day of November, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 206

FINDINGS IN CASE OF JOHN C. McDANIEL, ADMINISTRATOR OF JOHN W. McDANIEL

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN C. McDANIEL, ADMINISTRATOR OF JOHN W. McDANIEL, DECEASED, AGAINST THE UNITED STATES

DECEMBER 5, 1907.—Referred to the Committee on War Claims and ordered to be printed

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COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 8097. Estate of John W. McDaniel, deceased, v. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that John W. McDaniel, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed February 19,1906.

[Court of Claims. Congressional case No. 8097. John C. McDaniel, administrator of John W. McDaniel, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims on the 15th day of December, 1890.

On a preliminary inquiry the court, on the 19th day of February, 1906, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 12th day of February, 1907.

George A. and William B. King, esq., appeared for claimant, and the Attorney-General, by F. DeC. Faust, esqs., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

The claimant, John W. McDaniel, respectfully represents that he is the administrator of John W. McDaniel, deceased, appointed on the 8th day of September, 1897, by the probate court in and for the county of Cleburne and State of Alabama, his warrant of authority being herewith brought into court; that said decedent was, during the late war, a resident of the State of Alabama and did not give any aid or comfort to the said rebellion, but was throughout that war loyal to the Government of the United States.

That the following property belonging to John W. McDaniel was taken from him by the United States Army and used by the said Army, the date, place, and command being particularly stated below:

In Calhoun County, in the State of Alabama, on or about the 1st day of August, 1864, by General McCook's command, to wit:

1. 4 No. 1 mules, $200	$800.00
2. 1 No. 1 horse	200.00
3. 4 saddles, at $15	60.00
4. 200 bushels corn and 100 sacks, at $2.25	450.00
5. 1,200 bundles of fodder and oats, at 2 cents per bundle	24.00
6. 500 pounds of bacon, at 20 cents per pound	100.00
7. 300 pounds of flour, at $7.50 per 100	22.50
8. 5 bushels of corn meal, at $2	10.00
9. 1 razor	5.00
10. 4 guns, 2 rifles, 1 double-barrel shot gun	80.00
11. 1 coverlet	8.00
12. 5 saddle blankets, at $1.50	7.50
13. 2 silver spoons, at $2.50	5.00
(Taken April 25, 1865, by Brig. Gen. John T. Croxton, U. S. Army.)	
14. 1 No. 1 horse	250.00
Total	2,022.00

That a claim for said property was presented to the Southern Claims Commission, the items of said claim being as heretofore stated.

Said claim was not allowed by said tribunal, the ground for said action being that it was not considered that the claimant's loyalty had been established.

That the said claim has been presented to the Fifty-first Congress and was by the House of Representatives of the said Fifty-first Congress referred to the Committee on War Claims of said House, by which committee it was, on the 15th day of February, 1890, referred to this court for a finding of the facts in accordance with section 1 of an act approved March 3, 1883, entitled, "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

That no other action than as aforesaid has been had on this claim in Congress or by any of the Departments; that the claimant is the sole owner of this claim and the only person interested therein; that no assignment or transfer of this claim or of any part thereof or interest therein has been made; that the claimant is justly entitled to the amount herein claimed from the United States; and the claimant believes the facts as stated in this petition to be true.

And the claimant prays a finding of the facts in accordance with the aforesaid act.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDING OF FACT.

There was taken from the claimant's decedent in Calhoun County, State of Alabama, by the military forces of the United States during the war for the suppression of the rebellion, for the use of the Army, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of seven hundred and ninety ($790) dollars.

No payment appears to have been made therefor.

BY THE COURT.

Filed February 18, 1907.
A true copy.
Test this 29th day of November, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT 207

FINDINGS IN CASE OF BETTIE B. WILLIS, ADMINISTRATRIX OF JOEL H. WILLIS

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF BETTIE B. WILLIS, ADMINISTRATRIX OF JOEL H. WILLIS, DECEASED, AGAINST THE UNITED STATES

DECEMBER 5, 1907.—Referred to the Committee on War Claims and ordered to be printed

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COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the finding filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 1932. Estate of Joel H. Willis, deceased, *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Joel H. Willis, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed February 19, 1906.

[Court of Claims. Congressional case No. 1932. Bettie B. Willis, administratrix of Joel H. Willis, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims on the 4th day of March, 1887.

On a preliminary inquiry the court, on the 3d day of December, 1891, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 9th day of April, 1907. Messrs. Geo. A. & Wm. B. King appeared for claimant, and the Attorney-General, by P. M. Ashford, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in her petition makes the following allegations:

That she is the administratrix of Joel H. Willis, deceased, appointed on the 15th day of July, 1870, by the chancery court in and for the county of Warren and State of Mississippi, her warrant of authority being filed in case No. 3186, general jurisdiction in this court; that said decedent was during the late war a resident of the State of Mississippi, and did not give any aid or comfort to the said rebellion, and was throughout that war loyal to the Government of the United States.

That the following property belonging to Joel H. Willis was taken from him by the United States Army and used by the said Army, the date, place, and command being particularly stated below:

In Warren County, in the State of Mississippi, on or about May and June, 1862, by troops under command of Maj. Gen. U. S. Grant, to wit:

1. 2 blooded mares, at $500 each	$1,000
2. 3 horses, at $200 each	600
3. 45 mules, at $200 each	9,000
4. 250 hogs, weighing 30,500 pounds, at 10 cents per pound	3,050
5. 118 sheep, at $8	944
6. 15,500 pounds bacon, at 20 cents per pound	3,100
7. 10,400 bushels of corn, at $1.50 per bushel	15,600
8. 1,600 gallons molasses, at $1.25 per gallon	2,000
9. 1,500 pounds of sugar, at 17 cents per pound	255
10. 65 bushels of salt, at $1 per bushel	65
11. 16 work oxen, at $50	800
12. 10 young steers, 3 years old, at $25 each	250
13. 73 calves (yearlings and 2 years old), at $15	1,095
14. 80 bales of fodder, at $5	400
15. 41 cows, at $30	1,230
Total	39,389

That a claim for said property was presented to the Southern Claims Commission, the items of said claim being as heretofore stated.

Said claim was not allowed by said tribunal, the ground for said action being that it was not considered that the claimant was loyal.

That the said claim has been presented to the Forty-ninth Congress, and was by the House of Representatives of the said Forty-ninth Congress referred to the Committee on War Claims of said House, by which committee it was on the 4th day of March, 1887, referred to this Court for a finding of the facts in accordance with section one of an act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

That no other action than as aforesaid has been had on this claim in Congress or by any of the Departments; that the claimant is the sole owner of this claim and the only person interested therein; that no assignment or transfer of this claim, or of any part thereof or interest therein, has been made; that the claimant is justly entitled to the amount herein claimed from the United States, after allowing all just credits and offsets; that the claimant is a citizen of the United States. And the claimant believes the facts as stated in this petition to be true.

And the claimant prays a finding of the facts in accordance with the aforesaid act.

The court, upon the evidence, and after considering the arguments and briefs of counsel on both sides, makes the following

FINDINGS OF FACT.

There was taken from the claimant's decedent in Warren County, State of Mississippi, during the late civil war by the military forces of the United States for the use of the Army, property of the kind and character above described, which at the time and place of taking was reasonably worth the sum of six thousand and forty dollars ($6,040.00).

No payment appears to have been made therefor.

BY THE COURT.

Filed April 22, 1907.

A true copy.

Test this 29th day of November, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF SIBINI JONES

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF SIBINI JONES AGAINST THE UNITED STATES

DECEMBER 5, 1907.—Referred to the Committee on War Claims and ordered to be printed

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COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12289. Sibini Jones v. The United States.]

STATEMENT OF CASE.

This is a claim for property alleged to have been taken by the military forces of the United States for the use of the Army. The following bill was referred to the court by the House of Representatives March 31, 1906, under the act of Congress approved March 3, 1887, known as the Tucker Act:

"[H. R. 4557, Fifty-ninth Congress, first session.]

"A BILL for the relief of Sabini Jones.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sabini Jones the sum of four hundred and eighty-five dollars, in full for property taken by the Union Army in April, eighteen hundred and sixty-five, in Pike County, Georgia, out of any money in the Treasury not otherwise appropriated."

The claimant appeared and filed her petition herein July 10, 1906, in which she makes the following allegations:

That she was always a loyal citizen of the United States, and in 1865 lived in Pike County, Ga.

That in April, 1865, the Federal Army, under the command of General Rosseau, came through that part of the country and took from her, for the use of the Union Army—

1 mule and 1 horse of the value of	$450
100 hams of the value of	35
Total	485

for which no compensation was ever made to her.

That as soon as she knew of the passage of the Tucker Act she had a bill introduced in the Fifty-eighth Congress.

The case was brought to a hearing on loyalty and merits on November 4, 1907, Ellen Spencer Mussey appearing for the claimant, and the Attorney-General, by Clark McKercher, his assistant, and under his direction, appearing for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. It appears from the evidence that the claimant, Sibini Jones, was loyal to the Government of the United States throughout the late civil war.

II. There was taken from the claimant in Pike County, Ga., by the military forces of the United States, by proper authority, for the use of the Army, property of the kind and character described in the petition which was then and there reasonably worth the sum of two hundred and fifteen dollars ($215.00), no part of which appears to have been paid.

III. The claim herein was never presented to any department of the Government prior to its presentation to Congress and reference to this court under the provisions of the Tucker Act as hereinbefore stated, and no reason is given why the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

BY THE COURT.

Filed November 11, 1907.
A true copy.
Test this 2d day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

FINDINGS IN CASE OF W. J. GAFFORD, ADMINISTRATOR OF A. P. GAFFORD

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF W. J. GAFFORD, ADMINISTRATOR OF ESTATE OF A. P. GAFFORD, DECEASED, AGAINST THE UNITED STATES

DECEMBER 5, 1907.—Referred to the Committee on War Claims and ordered to be printed

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COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on Claims and by resolutionof the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12224. W. J. Gafford, administrator of estate of A. P. Gafford, deceased, *v.* The United States.]

STATEMENT OF CASE.

The following bill was referred to the Court of Claims by order of the Committee on Claims, House of Representatives, in the Fifty-ninth Congress, first session, under an act of Congress approved March 3, 1887, known as the Tucker Act:

"[H. R. 12224, Fifty-ninth Congress, first session.]

"A BILL For the relief of the estate of A. P. Gafford, deceased.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of A. P. Gafford, deceased, one thousand three hundred and eighty dollars ($1,380.00), for property taken and used by the Union troops under command of General Grierson, in the year eighteen hundred and sixty-five."

W. J. Gafford was appointed administrator of the estate and substituted as claimant, and filed his petition herein June 20, 1906, in which he makes the following allegations:

That his decedent, A. P. Gafford, during the civil war lived at or near Greenville, Ala., and was always a loyal citizen of the United States.

That in the year 1865 the Federal Army, under General Grierson's command, came through that part of the country and took from the said A. P. Gafford, for the use of the Union Army, the following property, to wit:

4 head of horses and mules, at $150 each	$600
600 bushels corn, at $1 bushel	600
30 head of hogs, at $5 head	150
50 chickens	50
Total	1,380

3. That during said period he was allowed and paid only the pay and allowances of a second lieutenant, although he was in the continuous performance of the duties of first lieutenant in command of his company.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Luther S. Bryant, the claimant in this case, is a citizen of the United States and resident in the county of Franklin, in the State of New York.

2. On June 16, 1864, the said Luther S. Bryant was second lieutenant of Company C, One hundred and eighteenth Regiment New York Volunteer Infantry. On that date and until he was mustered into the service, to wit, on October 15, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The first lieutenant of said Company C, One hundred and eighteenth Regiment New York Volunteer Infantry, being then and thereafter out of service in said grade, the duties of first lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of first lieutenant of said Company C, One hundred and eighteenth Regiment New York Volunteer Infantry, until October 15, 1864.

The governor of the State of New York also issued to this claimant a commission as first lieutenant, Company C, One hundred and eighteenth Regiment New York Volunteer Infantry.

3. On the said June 16, 1864, the mustering officer then and thereafter refused to muster this claimant as first lieutenant of said Company C, One hundred and eighteenth Regiment New York Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of first lieutenant until he was mustered into the service as such October 15, 1864.

4. If the said Luther S. Bryant should be deemed first lieutenant of Company C, One hundred and eighteenth Regiment New York Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a second lieutenant, which he has received, and that of a first lieutenant, to which he would have been entitled had he been mustered for the period from June 16, 1864, to October 14, 1864, would amount to forty-five dollars and thirty-one cents ($45.31), as reported by the Auditor of the War Department, including short payments aggregating $25.47.

5. Income tax, if to be deducted, would amount to $0.93, leaving forty-four dollars and thirty-eight cents ($44.38).

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.
Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 241.

FINDINGS IN CASE OF JOSEPH M. CLARK.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOSEPH M. CLARK AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169–33. Joseph M. Clark *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of San Jose, in the State of California.

2. That he, being the first sergeant of Company I, Thirty-third Regiment of Iowa Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Iowa as first lieutenant thereof on July 27, 1863; and that from and after said date he assumed and performed all the duties of his said grade until November 2, 1863, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of first lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of first lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Joseph M. Clark, the claimant in this case, is a citizen of the United States and resident in the county of San Jose, in the State of California.

2. On July 27, 1863, the said Joseph M. Clark was first sergeant of Company I, Thirty-third Regiment Iowa Volunteer Infantry. On that date and until he was mustered into the service, to wit, on November 2, 1863, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734.)

The first lieutenant of said Company I, Thirty-third Regiment Iowa Volunteer Infantry, being then and thereafter out of service in said grade, the duties of first lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of First Lieutenant of said Company I, Thirty-third Regiment Iowa Volunteer Infantry, until November 2, 1863.

The governor of the State of Iowa also issued to this claimant a commission as first lieutenant, Company I, Thirty-third Regiment Iowa Volunteer Infantry.

3. On the said July 27, 1863, the mustering officer then and thereafter refused to muster this claimant as first lieutenant of said Company I, Thirty-third Regiment Iowa Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of first lieutenant until he was mustered into the service as such November 2, 1863.

4. If the said Joseph M. Clark should be deemed first lieutenant of Company I, Thirty-third Regiment Iowa Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a first lieutenant without servant, to which he would have been entitled had he been mustered for the period from July 27, 1863, to October 31, 1863, would amount to $184.12 (one hundred and eighty-four dollars and twelve cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.
Test this 2d day of April, 1907.
[SEAL.]

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 242.

FINDINGS IN CASE OF ANNIS M. DANA, WIDOW OF NEWELL B. DANA.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ANNIS M. DANA, WIDOW OF NEWELL B. DANA, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-41. Annis M. Dana, widow of Newell B. Dana, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Washington, in the State of Iowa, and is the widow of Newell B. Dana, deceased.

2. That said Newell B. Dana, being the first sergeant of Company F, Fourth Regiment of Iowa Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Iowa as captain thereof on February 2, 1864; and that from and after February 4, 1864, the said Newell B. Dana assumed and performed all the duties of his said grade until April 29, 1864, when he was mustered in as such; said regiment was continuously below the minimum num-

ber prescribed by law and regulation, and for this reason and no other said Newell B. Dana was refused muster and recognition in the grade of captain during said period.

3. That during said period the said Newell B. Dana was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of captain.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Annis M. Dana, the claimant of this case, is a citizen of the United States and resident of the county of Washington, in the State of Iowa.

2. On February 4, 1864, Newell B. Dana was first sergeant of Company F, Fourth Regiment of Iowa Volunteer Cavalry. On that date and until he was mustered into the service, to wit, on April 29, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 734.)

The captain of said Company F, Fourth Regiment Iowa Volunteer Cavalry, being then and thereafter out of service in said grade, the duties of captain devolved upon said Newell B. Dana, who then and thereafter assumed and performed all the duties of captain of said Company F, Fourth Regiment Iowa Volunteer Cavalry, until April 29, 1864.

The governor of the State of Iowa also issued to said Newell B. Dana a commission as captain, Company F, Fourth Regiment of Iowa Volunteer Cavalry.

3. On the said February 4, 1864, the mustering officer then and thereafter refused to muster the said Newell B. Dana as captain of said Company F, Fourth Regiment of Iowa Volunteer Cavalry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of captain until he was mustered into the service as such April 29, 1864.

4. If the said Newell B. Dana should be deemed captain of Company F, Fourth Regiment of Iowa Volunteer Cavalry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a captain, to which he would have been entitled had he been mustered from the period from February 4, 1864, to April 29, 1864, would amount to $242.00 (two hundred and forty-two dollars), as reported by the Auditor for the War Department.

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.

Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 243.

FINDINGS IN CASE OF E. W. AND R. H. HUBBELL, EXECUTORS OF JAMES E. HUBBELL.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF E. W. HUBBELL AND R. H. HUBBELL, EXECUTORS OF JAMES E. HUBBELL, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Represenatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-73. E. W. Hubbell and R. H. Hubbell, executors of James E. Hubbell, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimants in their petition make substantially the following allegations:

1. That they are citizens of the United States and residents of the county of Fairfield, in the State of Connecticut, and are the executors of James E. Hubbell, deceased.

2. That said James E. Hubbell, being the first sergeant of Company E, Seventeenth Regiment of Connecticut Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Connecticut as second lieutenant thereof on June 24, 1863, and that from and after said date the said James E. Hubbell assumed and performed all the duties of his said grade until September

1, 1863, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulations, and for this reason, and no other, said James E. Hubbell was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period the said James E. Hubbell was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. E. W. Hubbell and R. H. Hubbell, the claimants of this case, are citizens of the United States and residents of the county of Fairfield, in the State of Connecticut.

2. On June 24, 1863, James E. Hubbell was first sergeant of Company E, Seventeenth Regiment of Connecticut Volunteer Infantry. On that date and until he was mustered into the service, to wit, on September 1, 1863, the same was and continued to be below the minimum number prescribed by General Order, No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The second lieutenant of said Company E, Seventeenth Regiment Connecticut Volunteer Infantry, being then and thereafter out of service in said grade, the duties of secod lieutenant devolved upon said James E. Hubbell, who then and thereafter assumed and performed all the duties of second lieutenant of said Company E, Seventeenth Regiment Connecticut Volunteer Infantry.

The governor of the State of Connecticut also issued to said James E. Hubbell a commission as second lieutenant Company E, Seventeenth Regiment of Connecticut Volunteer Infantry.

3. On the said June 24, 1863, the mustering officer then and thereafter refused to muster the said James E. Hubbell as second lieutenant of said Company E, Seventeenth Regiment of Connecticut Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such, September 1, 1863.

4. If the said James E. Hubbell should be deemed second lieutenant of Company E, Seventeenth Regiment of Connecticut Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered from the period from June 24, 1863, to August 31, 1863, would amount to $109.27 (one hundred and nine dollars and twenty-seven cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.
Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 244.

FINDINGS IN CASE OF JOHN HUGHES.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN HUGHES AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169–78. John Hughes *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Shelby, in the State of Tennessee.

2. That he, being the captain of Company A, Twenty-second Regiment of Kentucky Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Kentucky as major thereof on October 15, 1863, and that from and after said date he assumed and performed all the duties of his said grade until February 24, 1864, when he was mustered in as such: said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of during said period.

3. That during said period he was allowed and paid only the pay and allowances of a captain, although he was in the continuous performance of the duties of major.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. John Hughes, the claimant in this case, is a citizen of the United States and resident in the county of Shelby, in the State of Tennessee.

2. On October 15, 1863, the said John Hughes was captain of Company A, Twenty-second Regiment Kentucky Volunteer Infantry. On that date and until he was mustered into the service—to wit, on February 25, 1864—the same was and continued to be below the minimum number prescribed by General Order, No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The major of said Twenty-second Regiment Kentucky Volunteer Infantry being then and thereafter out of service in said grade, the duties of major devolved upon this claimant, who then and thereafter assumed and performed all the duties of major of said company Twenty-second Regiment Kentucky Volunteer Infantry.

The governor of the State of Kentucky also issued to this claimant a commission as major Twenty-second Regiment Kentucky Volunteer Infantry.

3. On the said October 15, 1863, the mustering officer then and thereafter refused to muster this claimant as major of said Twenty-second Regiment Kentucky Volunteer Infantry solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of major until he was mustered into the service as such February 15, 1864.

4. If the said John Hughes should be deemed major of Twenty-second Regiment Kentucky Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a captain, which he has received, and that of a major, to which he would have been entitled had he been mustered for the period from October 15, 1863, to February 14, 1864, would amount to $43.33 (forty-three dollars and thirty-three cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.

Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 245.

FINDINGS IN CASE OF WILLIAM B. KIMBALL.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF WILLIAM B. KIMBALL AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-96. William B. Kimball *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident of the county of Hampshire, in the State of Massachusetts.

2. That he, being the first lieutenant of Company F, Thirteenth Regiment of Massachusetts Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Massachusetts as captain thereof on October 4, 1863, and that from and after said date he assumed and performed all the duties of his said grade until December 8, 1863, when he was mustered in as captain;

said regiment was continuously below the minimun number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of captain during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first lieutenant, although he was in the continuous performance of the duties of captain.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. William B. Kimball, the claimant in this case, is a citizen of the United States and resident in the county of Hampshire, in the State of Massachusetts.

2. On October 4, 1863, the said William B. Kimball was first lieutenant of Company F, Thirteenth Regiment Massachusetts Volunteer Infantry. On that date and until he was mustered into the service, to wit, on December 8, 1863, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The captain of said Company F, Thirteenth Regiment Massachusetts Volunteer Infantry, being then and thereafter out of service in said grade, the duties of captain devolved upon this claimant, who then and thereafter assumed and performed all the duties of captain of said Company F, Thirteenth Regiment Massachusetts Volunteer Infantry.

The governor of the State of Massachusetts also issued to this claimant a commission as captain Company F, Thirteenth Regiment Massachusetts Volunteer Infantry.

3. On the said October 4, 1863, the mustering officer then and thereafter refused to muster this claimant as captain of said Company F, Thirteenth Regiment Massachusetts Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of captain until he was mustered into the service as such, December 8, 1863.

4. If the said William B. Kimball should be deemed captain of Company F, Thirteenth Regiment Massachusetts Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first lieutenant, which he has received, and that of a captain, to which he would have been entitled had he been mustered for the period from October 4, 1863, to December 8, 1863, would amount to $21.84 (twenty-one dollars and eighty-four cents), as reported by the Auditor for the War Department, including a deduction of 17 cents for income tax on remuster.

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.

Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 246.

FINDINGS IN CASE OF JACOB B. LORING.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JACOB B. LORING AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-100. Jacob B. Loring *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Knox, in the State of Maine.

2. That he, being the first sergeant of Company B, First Regiment of Maine Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Maine as captain thereof on July 11, 1864; and that from and after said date he assumed and performed all the duties of his said grade until September 5, 1864, when he was mustered in as such. Said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of captain during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of captain.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Jacob B. Loring, the claimant in this case, is a citizen of the United States and resident in the county of Knox, in the State of Maine.

2. On July 11, 1864, the said Jacob B. Loring was first sergeant of Company B, First Regiment Maine Volunteer Cavalry. On that date and until he was mustered into the service, to wit, on September 5, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The captain of said Company B, First Regiment Maine Volunteer Cavalry, being then and thereafter out of service in said grade, the duties of captain devolved upon this claimant, who then and thereafter assumed and performed all the duties of captain of said Company B, First Regiment Maine Volunteer Cavalry.

The governor of the State of Maine also issued to this claimant a commission as captain Company B, First Regiment Maine Volunteer Cavalry.

3. On the said July 11, 1864, the mustering officer then and thereafter refused to muster this claimant as captain of said Company B, First Regiment Maine Volunteer Cavalry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of captain until he was mustered into the service as such, September 5, 1864.

4. If the said Jacob B. Loring should be deemed captain of Company B, First Regiment Maine Volunteer Cavalry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a captain, without servant, to which he would have been entitled had he been mustered for the period from July 11, 1864, to September 4, 1864, would amount to $148.23 (one hundred and forty-eight dollars and twenty-three cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.

Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 247.

FINDINGS IN CASE OF EMILY A. LOCKWOOD, WIDOW OF HARRISON LOCKWOOD.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF EMILY A. LOCKWOOD, WIDOW OF HARRISON LOCKWOOD, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169–103. Emily A. Lockwood, widow of Harrison Lockwood, deceased, *v.* the United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney General, by James A. Tanner, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Warren, in the State of New York, and is the widow of Harrison Lockwood, deceased.

2. That said Harrison Lockwood, being the first sergeant of Company A, One hundred and fifty-sixth Regiment of New York Volunteer Infantry, was duly appointed or commissioned by the governor of the State of New York as second lieutenant thereof on August 13, 1863, and that from and after said date the said Harrison Lockwood assumed and performed all the duties of his said grade

until May 27, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said Harrison Lockwood was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period the said Harrison Lockwood was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT:

1. Emily A. Lockwood, the claimant of this case, is a citizen of the United States and resident of the county of Warren, in the State of New York.

2. On August 13, 1863, Harrison Lockwood was first sergeant of Company A, One hundred and fifty-sixth Regiment of New York Volunteer Infantry. On that date and until he was mustered into the service, to wit, on May 27, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The second lieutenant of said Company A, One hundred and fifty-sixth Regiment New York Volunteer Infantry being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon said Harrison Lockwood, who then and thereafter assumed and performed all the duties of second lieutenant of said Company A, One hundred and fifty-sixth Regiment New York Volunteer Infantry.

The governor of the State of New York also issued to said Harrison Lockwood a commission as second lieutenant, Company A, One hundred and fifty-sixth Regiment of New York Volunteer Infantry.

3. On the said August 13, 1863, the mustering officer then and thereafter refused to muster the said Harrison Lockwood as second lieutenant of said Company A, One hundred and fifty-sixth Regiment of New York Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such May 27, 1864.

4. If the said Harrison Lockwood should be deemed second lieutenant of Company A, One hundred and fifty-sixth Regiment of New York Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant without servant, to which he would have been entitled had he been mustered from the period from August 13, 1863, to May 26, 1864, would amount to ($484.11) four hundred and eighty-four dollars and eleven cents, as reported by the Auditor for the War Department, including $2.83 tax, erroneously deducted.

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.

Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 248.

FINDINGS IN CASE OF KATE MOREHEAD ET AL., HEIRS OF JOSEPH P. LESLIE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF KATE MOREHEAD ET AL., HEIRS OF JOSEPH P. LESLIE, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-106. Kate Morehead et al., heirs of Joseph P. Leslie, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimants in their petition make substantially the following allegations:

1. That they are citizens of the United States and residents of the States of Indiana and Illinois, and are the only children and heirs of Joseph P. Leslie, deceased.

2. That said Joseph P. Leslie, being the major of the Fourth Regiment of Indiana Volunteer Cavalry, was duly appointed or commissioned by the Governor of the State of Indiana as lieutenant-colonel thereof on September

10, 1863, and that from and after said date the said Joseph P. Leslie assumed and performed all the duties of his said grade until January 27, 1864, when he was killed in service; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said Joseph P. Leslie was refused muster and recognition in the grade of lieutenant-colonel during said period.

3. That during said period the said Joseph P. Leslie was allowed and paid only the pay and allowances of a major, although he was in the continuous performance of the duties of lieutenant-colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Kate Morehead, Clara M. Girard, and Florence E. Cochran, the claimants of this case, are citizens of the United States and residents of the States of Indiana and Illinois.

2. On September 10, 1863, Joseph P. Leslie was major of the Fourth Regiment of Indiana Volunteer Cavalry. On that date and until he was killed in the service, to-wit, on January 27, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 734).

The lieutenant-colonel of said Fourth Regiment Indiana Volunteer Cavalry, being then and thereafter out of service in said grade, the duties of lieutenant-colonel devolved upon said Joseph P. Leslie, who then and thereafter assumed and performed all the duties of lieutenant-colonel of said Fourth Regiment Indiana Volunteer Cavalry.

The Governor of the State of Indiana also issued to Joseph P. Leslie a commission as lieutenant-colonel Fourth Regiment of Indiana Volunteer Cavalry.

3. On the said September 10, 1864, the mustering officer then and thereafter refused to muster the said Joseph P. Leslie as lieutenant-colonel of said Fourth Regiment of Indiana Volunteer Cavalry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of lieutenant-colonel until he was killed in the service January 27, 1864.

6. If the said Joseph P. Leslie should be deemed lieutenant-colonel of Fourth Regiment of Indiana Volunteer Cavalry and entitled to the pay of that grade, the difference between his pay and allowances as a major, which he has received, and that of a lieutenant-colonel, to which he would have been entitled had he been mustered from the period from September 10, 1863, to January 27, 1864, would amount to ($55.43) fifty-five dollars and forty-three cents, as reported by the Auditor for the War Department, including a short payment of $14.33 as major.

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.

Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 249.

FINDINGS IN CASE OF GEORGE J. AND JOSEPH F. LOCKLEY AND SARAH E. TODD, CHILDREN OF GEORGE LOCKLEY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF GEORGE J. LOCKLEY, JOSEPH F. LOCKLEY, AND SARAH E. TODD, CHILDREN OF GEORGE LOCKLEY, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-107. George J. Lockley, Joseph F. Lockley, and Sarah E. Todd, children of George Lockley, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimants, and the Attorney-General, by George M. Anderson, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimants in their petition make substantially the following allegations:

1. That they are citizens of the United States and residents of the States of New York, Michigan, and Nevada, and are the children and sole heirs of George Lockley, deceased.

2. That said George Lockley, being the lieutenant-colonel of the First Regiment of Michigan Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Michigan as colonel thereof on May 30, 1865, and that from and after said date the said George Lockley assumed and performed

all the duties of his said grade until July 21, 1865, when he was mustered out as lieutenant-colonel; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said George Lockley was refused muster and recognition in the grade of colonel during said period.

3. That during said period the said George Lockley was allowed and paid only the pay and allowances of a lieutenant-colonel, although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. George J. Lockley, Joseph F. Lockley, and Sarah E. Todd, the claimants of this case, are citizens of the United States and residents of the States of New York, Michigan, and Nevada.

2. On May 30, 1865, George Lockley was lieutenant-colonel of the First Regiment of Michigan Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on July 21, 1865, the same was and continued to be below the mininum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The colonel of said First Regiment Michigan Volunteer Infantry, being then and thereafter out of service in said grade, the duties of colonel devolved upon said George Lockley, who then and thereafter assumed and performed all the duties of colonel of said First Regiment Michigan Volunteer Infantry.

The governor of the State of Michigan also issued to said George Lockley a commission as colonel First Regiment of Michigan Volunteer Infantry.

3. On the said May 30, 1865, the mustering officer then and thereafter refused to muster the said George Lockley as colonel of said First Regiment of Michigan Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered out of the service as lieutenant-colonel July 21, 1865.

4. If the said George Lockley should be deemed colonel of the First Regiment of Michigan Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel, which he has received, and that of a colonel, to which he would have been entitled had he been mustered from the period from May 30, 1865, to July 21, 1865, would amount to $99.50 (ninety-nine dollars and fifty cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.

Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 250.

FINDINGS IN CASE OF ALICE A. SHELDON, WIDOW OF ALLEN SHELDON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ALICE A. SHELDON, WIDOW OF ALLEN SHELDON, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-177. Alice A. Sheldon, widow of Allen Sheldon, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Columbia, in the State of New York, and is the widow of Allen Sheldon, deceased.

2. That said Allen Sheldon, being a private of Company K, One hundred and twenty-eighth Regiment of New York Volunteer Infantry, was duly appointed or commissioned by the governor of the State of New York as second lieutenant thereof on August 21, 1863; and that from and after said date the said Allen Sheldon assumed and performed all the duties of his said grade until December

15, 1863, when he was mustered out as private; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said Allen Sheldon was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period the said Allen Sheldon was allowed and paid only the pay and allowances of a private, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Alice A. Sheldon, the claimant of this case, is a citizen of the United States, and a resident of the county of Columbia in the State of New York.

2. On August 21, 1863, Allen Sheldon was a private of Company K, One hundred and twenty-eighth Regiment of New York Volunteer Infantry. On that date and until he was mustered out of the esrvice, to wit, on December 15, 1863, the same was and continued to be below the minimum number prescribed by General Order No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress, approved March 3, 1863 (12 Stat. L., p. 734).

The second lieutenant of said Company K, One hundred and twenty-eighth Regiment New York Volunteer Infantry being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon said Allen Sheldon, who then and thereafter assumed and performed all the duties of second lieutenant of said Company K, One hundred and twenty-eighth Regiment New York Volunteer Infantry.

The governor of the State of New York also issued to said Allen Sheldon a commission as second lieutenant Company K, One hundred and twenty-eighth Regiment of New York Volunteer Infantry.

3. On the said August 22, 1863, the mustering officer then and thereafter refused to muster the said Allen Sheldon as second lieutenant of said Company K, One hundred and twenty-eighth Regiment of New York Volunteer Infantry, solely because his command was below its minimum strength as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered out of the service as private, December 15, 1863.

4. During the period aforesaid, to wit, from August 22, 1863, to December 15, 1863, there is no evidence that he employed a servant not enlisted.

5. During said period there is no evidence that he did not draw rations from the Government.

6. If the said Allen Sheldon should be deemed second lieutenant of Company K, One hundred and twenty-eighth Regiment of New York Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a private, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered from the period from August 22, 1863, to December 15, 1863, would amount to $274.54, as reported by the Auditor for the War Department.

7. Income tax, if to be deducted, would amount to $9.94, leaving a balance of two hundred and sixty-four dollars and sixty cents ($264.60).

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.

Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 251.

FINDINGS IN CASE OF IRVING V. BLISS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF IRVING V. BLISS AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12640–3. Irving V. Bliss *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the Court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the city of Milwaukee, in the State of Wisconsin.

2. That he, being the first sergeant of Company E, Twenty-seventh Regiment of Wisconsin Volunteer Infantry, was duly appointed or commissioned by the Governor of the State of Wisconsin as second lieutenant thereof on December 6, 1864, and that from and after said date he assumed and performed all the duties of his said grade until March 10, 1865, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT

1. Irving V. Bliss, the claimant in this case, is a citizen of the United States and resident in the city of Milwaukee, in the State of Wisconsin.

2. On December 6, 1864, the said Irving V. Bliss was first sergeant of Company E, Twenty-seventh Regiment, Wisconsin Volunteer Infantry. On that date and until he was mustered into the service, to wit, on March 10, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The second lieutenant of said Company E, Twenty-seventh Regiment, Wisconsin Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of Company E, Twenty-seventh Regiment, Wisconsin Volunteer Infantry.

The governor of the State of Wisconsin also issued to this claimant a commission as second lieutenant, Company E, Twenty-seventh Regiment Wisconsin Volunteer Infantry.

3. On the said December 6, 1864, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company E, Twenty-seventh Regiment Wisconsin Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such March 10, 1865.

4. During the period aforesaid, to wit, from December 6, 1864, to March 10, 1865, this claimant employed no servant, not enlisted.

5. During said period this claimant did draw rations from the Government.

6. If the said Irving V. Bliss should be deemed second lieutenant of Company E, Twenty-seventh Regiment Wisconsin Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant to which he would have been entitled had he been mustered for the period from December 6, 1864, to March 9, 1865, would amount to $334.22 (three hundred and thirty-four dollars and twenty-two cents) as reported by the Auditor for the War Department, including $50 bounty, act July 28, 1866, and $3.67 income tax erroneously deducted.

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.

Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 252.

FINDINGS IN CASE OF HARRISON L. DEAM.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HARRISON L. DEAM AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 10664. Harrison L. Deam *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 22d day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant and the Attorney-General by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the city of Washington, in the District of Columbia.

2. That he, being the captain of Company E, Thirty-fourth Regiment of Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as major thereof on March 21, 1865; and that from and after said date he assumed and performed all the duties of his said grade until January 9, 1866, when he was mustered out as captain; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of major during said period.

3. That during said period he was allowed and paid only the pay and allowances of a captain, although he was in the continuous performance of the duties of major.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Harrison L. Deam, the claimant in this case, is a citizen of the United States and resident in the city of Washington, in the District of Columbia.

2. On March 21, 1865, the said Harrison L. Deam was captain of Company E, Thirty-fourth Regiment Indiana Volunteer Infantry. On that date and until he was mustered out the service, to wit, on January 9, 1866, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The major of said Thirty-fourth Regiment Indiana Volunteer Infantry being then and thereafter out of service in said grade, the duties of major devolved upon this claimant, who then and thereafter assumed and performed all the duties of major of said Thirty-fourth Regiment Indiana Volunteer Infantry until mustered out January 9, 1866.

The governor of the State of Indiana also issued to this claimant a commission as major, Thirty-fourth Regiment Indiana Volunteer Infantry.

3. On the said March 21, 1866, the mustering officer then and thereafter refused to muster this claimant as major of said Thirty-fourth Regiment Indiana Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of major until he was mustered out of the service as captain January 9, 1866.

4. If the said Harrison L. Deam should be deemed major of the Thirty-fourth Regiment Indiana Volunteer Infantry and entitled to the pay of that grade, with one servant, the difference between his pay and allowances as a captain, which he has received, and that of a major, to which he would have been entitled had he been mustered for the period from March 21, 1866, to Jaunary 9, 1866, would amount to one hundred and fifteen dollars and seventy-four cents ($115.74), as reported by the Auditor for the War Department, including short payments as lieutenant and captain.

BY THE COURT.

Filed April 22, 1907.

A true copy of the findings of fact as filed by the court.
Test this 24th day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 253.

FINDINGS IN CASE OF LEWIS J. BLAIR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF LEWIS J. BLAIR AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-5. Lewis J. Blair *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 22d day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Dekalb, in the State of Indiana.

2. That he, being the major of the Eighty-eighth Regiment of Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as lieutenant-colonel thereof on October 30, 1863; and that from and after said date he assumed and performed all the duties of his said grade until June 14, 1865, when he was mustered out as major; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of lieutenant-colonel during said period.

3. That during said period he was allowed and paid only the pay and allowances of a major, although he was in the continuous performance of the duties of lieutenant-colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Lewis J. Blair, the claimant in this case, is a citizen of the United States and resident in the county of Dekalb, in the State of Indiana.

2. On October 30, 1863, the said Lewis J. Blair was major of Eighty-eighth Regiment Indiana Volunteer Infantry. On that date and until he was mustered out of the service—to wit, on June 14, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The lieutenant-colonel of said Eighty-eighth Regiment Indiana Volunteer Infantry being then and thereafter out of service in said grade, the duties of lieutenant-colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of lieutenant-colonel of said Eighty-eighth Regiment Indiana Volunteer Infantry.

The governor of the State of Indiana also issued to this claimant a commission as lieutenant-colonel Eighty-eighth Regiment Indiana Volunteer Infantry.

3. On the said October 30, 1863, the mustering officer then and thereafter refused to muster this claimant as lieutenant-colonel of said Eighty-eighth Regiment Indiana Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of lieutenant-colonel until he was mustered out of the service as major June 14, 1865.

4. If the said Lewis J. Blair should be deemed lieutenant-colonel of the Eighty-eighth Regiment Indiana Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a major, which he has received, and that of a lieutenant-colonel, to which he would have been entitled had he been mustered for the period from October 30, 1863, to June 14, 1865, would amount to $434.14 (four hundred and thirty-four dollars and fourteen cents), as reported by the Auditor for the War Department, including $1.41 income tax deducted on remuster.

BY THE COURT.

Filed April 22, 1907.

A true copy of the findings of fact as filed by the court.
Test this 24th day of April, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 254.

FINDINGS IN CASE OF JOHN BAGG.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN BAGG AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-10. John Bagg *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 22d day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Adair, in the State of Missouri.

2. That he, being the first sergeant of Company C, One hundred and fourteenth Regiment of New York Volunteer Infantry, was duly appointed or commissioned by the governor of the State of New York as second lieutenant thereof on September 3, 1863, and that from and after said date he assumed and performed all the duties of his said grade until November 30, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence, and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. John Bagg, the claimant in this case, is a citizen of the United States and resident in the county of Adair, in the State of Missouri.

2. On September 3, 1864, the said John Bagg was first sergeant of Company C, One hundred and fourteenth Regiment New York Volunteer Infantry. On that date and until he was mustered into the service—to wit, on November 30, 1864—the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The second lieutenant of said Company C, One hundred and fourteenth Regiment New York Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who from November 2, 1863, assumed and performed all the duties of second lieutenant of said Company C, One hundred and fourteenth Regiment New York Volunteer Infantry.

The governor of the State of New York also issued to this claimant a commission as second lieutenant, Company C, One hundred and fourteenth Regiment New York Volunteer Infantry.

3. On the said November 2, 1863, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company C, One hundred and fourteenth Regiment, New York Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as first lieutenant November 30, 1864.

4. During the period aforesaid—to wit, from November 2, 1863, to November 29, 1864—this claimant employed one servant, not enlisted.

5. During said period this claimant did not draw rations from the Government.

6. If the said John Bagg should be deemed second lieutenant of Company C, One hundred and fourteenth Regiment New York Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered for the period from November 2, 1863, to November 29, 1864, would amount to $922.90 (nine hundred and twenty-two dollars and ninety cents), as reported by the Auditor for the War Department, including short payment, $2.35 tax, erroneously deducted, and a short payment of $4.76.

BY THE COURT.

Filed April 22, 1907.

A true copy of the findings of fact as filed by the court.

Test this 24th day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 255.

FINDINGS IN CASE OF JAMES F. BROWN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JAMES F. BROWN AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-13. James F. Brown *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 22d day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeare for the defense and the protection of the interests of the United States.

The claimant, in his petition, makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of New London, in the State of Connecticut.

2. That he, being the lieutenant-colonel Twenty-first Regiment of Connecticut Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Connecticut as colonel thereof on October 1, 1864, and that from and after said date he assumed and performed all the duties of his said grade until July 6, 1865, when he was mustered out as lieutenant-colonel; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of colonel during said period.

3. That during said period he was allowed and paid only the pay and allowances of a lieutenant-colonel, although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. James F. Brown, the claimant in this case, is a citizen of the United States and resident in the county of New London, in the State of Connecticut.

2. On October 1, 1864, the said James F. Brown was lieutenant-colonel of the Twenty-first Regiment Connecticut Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on July 6, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The colonel of said Twenty-first Regiment Connecticut Volunteer Infantry being then and thereafter out of service in said grade, the duties of colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of colonel of said Twenty-first Regiment Connecticut Volunteer Infantry until July 6, 1865.

The governor of the State of Connecticut also issued to this claimant a commission as colonel Twenty-first Regiment Connecticut Volunteer Infantry.

3. On the said October 1, 1864, the mustering officer then and thereafter refused to muster this claimant as colonel of said Twenty-first Regiment Connecticut Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered out of the service as lieutenant-colonel, July 6, 1865.

4. If the said James F. Brown should be deemed colonel of the Twenty-first Regiment Connecticut Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel which he has received, and that of a colonel to which he would have been entitled had he been mustered for the period from October 1, 1864, to July 6, 1865, would amount to ($262.98) two hundred and sixty-two dollars and ninety-eight cents, as reported by the Auditor for the War Department.

BY THE COURT.

Filed April 22, 1907.

A true copy of findings of fact as filed by the court.

Test this 24th day of April, 1907.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 256.

FINDINGS IN CASE OF WILLIAM G. DUDLEY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF WILLIAM G. DUDLEY AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-35. William G. Dudley *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 22d day of April, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant, in his petition, makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Sullivan, in the State of Indiana.

2. That he, being the first sergeant of Company D, Thirty-first Regiment of Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as second lieutenant thereof on June 1, 1865, and that from and after said date he assumed and performed all the duties of his said grade until January 9, 1866, when he was mustered out as first sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence, and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. William G. Dudley, the claimant in this case, is a citizen of the United States and resident in the county of Sullivan, in the State of Indiana.

2. On June 1, 1865, the said William G. Dudley was first sergeant of Company D, Thirty-first Regiment Indiana Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on January 9, 1866, the same was and continued to be below the minimum number prescribed by General Order No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The second lieutenant of said Company D, Thirty-first Regiment Indiana Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company D, Thirty-first Regiment Indiana Volunteer Infantry, until mustered out as first sergeant January 9, 1866.

The governor of the State of Indiana also issued to this claimant a commission as second lieutenant Company D, Thirty-first Regiment Indiana Volunteer Infantry.

3. On the said June 1, 1865, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company D, Thirty-first Regiment Indiana Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered out of the service as first sergeant January 6, 1866.

4. During the period aforesaid, to wit, from June 1, 1865, to January 9, 1866, this claimant employed no servant not enlisted.

5. During said period this claimant did not draw rations from the Government.

6. If the said William G. Dudley should be deemed second lieutenant of Company D, Thirty-first Regiment Indiana Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant which he has received and that of a second lieutenant, to which he would have been entitled had he been mustered for the period from June 1, 1865, to January 9, 1866, would amount to $381.87 (three hundred and eighty-one dollars and eighty-seven cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed April 22, 1907.

A true copy of the findings of fact as filed by the court.
Test this 24th day of April, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 257.

FINDINGS IN CASE OF WILLIAM HANNA.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF WILLIAM HANNA AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-80. William Hanna *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker and Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Adams, in the State of Illinois.

2. That he, being the lieutenant-colonel in command of the Fiftieth Regiment of Illinois Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Illinois as colonel thereof on June 11, 1864, and that from and after June 19, 1864, he assumed and performed all the duties of his said grade until July 13, 1865, when he was mustered out as lieutenant-colonel; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of during said period.

3. That during said period he was allowed and paid only the pay and allowances of a lieutenant-colonel, although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. William Hanna, the claimant in this case, is a citizen of the United States and resident in the county of Adams, in the State of Illinois.

2. On June 19, 1864, the said William Hanna was lieutenant-colonel of the Fiftieth Regiment Illinois Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on July 20, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The colonel of said Fiftieth Regiment Illinois Volunteer Infantry, being then and thereafter out of service in said grade, the duties of colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of colonel of said Fiftieth Regiment Illinois Volunteer Infantry.

The governor of the State of Illinois also issued to this claimant a commission as colonel Fiftieth Regiment Illinois Volunteer Infantry.

3. On the said June 19, 1864, the mustering officer then and thereafter refused to muster this claimant as colonel of said Fiftieth Regiment Illinois Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered the service as lieutenant-colonel July 20, 1865.

4. If the said William Hanna should be deemed colonel of the Fiftieth Regiment Illinois Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel, which he has received, and that a colonel, to which he would have been entitled had he been mustered for the period from June 20, 1864, to July 20, 1865, would amount to $395.57 (three hundred and ninety-five dollars and fifty-seven cents), as reported by the Auditor for the War Department, including a deduction of $2.87 income tax on remuster.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.

Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 258.

FINDINGS IN CASE OF JULIA H. CASTLE, DAUGHTER OF JOHN H. HOWE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JULIA H. CASTLE, DAUGHTER OF JOHN H. HOWE, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-84. Julia H. Castle, daughter of John H. Howe, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker and Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant, in her petition, makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Los Angeles, in the State of California, and is the daughter of John H. Howe, deceased.

2. That said John H. Howe, being the lieutenant-colonel of the One hundred and twenty-fourth Regiment of Illinois Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Illinois as colonel thereof on December 15, 1863, and that from and after January 14, 1864, the said John H. Howe assumed and performed all the duties of his said grade until August 16, 1865, when he was mustered out as lieutenant-colonel; said regiment was con-

tinuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said John H. Howe was refused muster and recognition in the grade of colonel during said period.

3. That during said period the said John H. Howe was allowed and paid only the pay and allowances of a lieutenant-colonel, although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Julia H. Castle, the claimant of this case, is a citizen of the United States and resident of the county of Los Angeles, in the State of California.

2. On January 14, 1864, John H. Howe was lieutenant-colonel of the One hundred and twenty-fourth Regiment of Illinois Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on August 16, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The colonel of said One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, being then and thereafter out of service in said grade, the duties of colonel devolved upon said John H. Howe, who then and thereafter assumed and performed all the duties of colonel of said One hundred and twenty-fourth Regiment Illinois Volunteer Infantry.

The governor of the State of Illinois also issued to said John H. Howe a commission as colonel One hundred and twenty-fourth Regiment of Illinois Volunteer Infantry.

3. On the said January 14, 1864, the mustering officer then and thereafter refused to muster the said John H. Howe as colonel of said One hundred and twenty-fourth Regiment of Illinois Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered out of the service as lieutenant-colonel, August 16, 1865.

4. If the said John H. Howe should be deemed colonel of the One hundred and twenty-fourth Regiment of Illinois Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel, which he has received, and that of a colonel, to which he would have been entitled had he been mustered from the period from January 14, 1864, to August 16, 1865, would amount to $575.93 (five hundred and seventy-five dollars and ninety-three cents), as reported by the Auditor for the War Department, including short payment aggregating $29.78.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.

Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 259.

FINDINGS IN CASE OF JOHN W. HEADINGTON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN W. HEADINGTON AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-86. John W. Headington *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker and Jones appeared for the claimant and the Attorney-General, by his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant, in his petition, makes substantially the following allegations:

1. That he is a citizen of the United States and resident of the county of Jay, in the State of Indiana.

2. That he, being the captain and major, One hundredth Regiment of Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as major and lieutenant-colonel thereof on June 1, 1864, and May 21, 1865, respectively; and that from and after said dates he assumed and performed all the duties of his said grades until May 16, 1865, when mustered in as major, and on June 19, 1865, when he was mustered out as major; said regiment was continuously below the minimum number prescribed by law

and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of major and lieutenant-colonel during said periods.

3. That during said period he was allowed and paid only the pay and allowances of a captain and major, although he was in the continuous performance of the duties of major and lieutenant-colonel.

Upon the reports furnished by the War and Treasury departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. John W. Headington, the claimant in this case, is a citizen of the United States and a resident in the county of Jay, in the State of Indiana.

2. On June 1, 1864, the said John W. Headington was captain, and on May 21, 1865, he was major, One hundredth Regiment Indiana Volunteer Infantry. On those dates and until he was mustered out of the service as major, to wit, on June 19, 1865, the same was, and continued to be, below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The major and lieutenant-colonel of said One hundredth Regiment Indiana Volunteer Infantry being then and thereafter out of service in said grades, the duties of major and lieutenant-colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of major and lieutenant-colonel of said One hundredth Regiment Indiana Volunteer Infantry until May 16, 1865, when mustered into service as major, and June 19, 1865, when mustered out as such.

The governor of the State of Indiana also issued to this claimant commissions as major and lieutenant-colonel, One hundredth Regiment Indiana Volunteer Infantry.

3. On the said June 1, 1864, and May 21, 1865, the mustering officer then and thereafter refused to muster this claimant as major and lieutenant-colonel of said One hundredth Regiment Indiana Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of major and lieutenant-colonel until he was mustered into the service as major, May 16, 1865, and mustered out as such, June 19, 1865.

4. If the said John W. Headington should be deemed major and lieutenant-colonel of the One hundredth Regiment Indiana Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a captain and major, which he has received, and that of a major and lieutenant-colonel, to which he would have been entitled had he been mustered for the period from June 1, 1864, to May 16, 1865, as major, and from May 21, 1865, to June 19, 1865, as lieutenant-colonel, would amount to $194.19 (one hundred and ninety-four dollars and nineteen cents), as reported by the Auditor for the War Department, including a short payment of $42.80 as captain.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.

Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH.
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 260.

FINDINGS IN CASE OF HARRY V. HOES, ADMINISTRATOR OF THEODORE HOES.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HARRY V. HOES, ADMINISTRATOR OF THEODORE HOES, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-87. Harry V. Hoes, administrator of Theodore Hoes, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident of the county of Columbia, in the State of New York, and is the administrator of Theodore Hoes, deceased.

2. That said Thodore Hoes being the first sergeant of Company K, Forty-fourth Regiment New York Volunteer Infantry, was duly appointed or commissioned by the governor of the State of New York as second lieutenant thereof on July 8, 1863; and that from and after said date he assumed and performed all the duties of his said grade until July 12, 1864, when he was mus-

tered into the service as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in said grade during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence, and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Harry V. Hoes, administrator of Theodore Hoes, deceased, the claimant of this case, is a citizen of the United States and resident of the county of Columbia, in the State of New York.

2. Theodore Hoes enrolled August 8, 1861, and mustered into service as sergeant, Forty-fourth New York Infantry; reenlisted as a veteran volunteer February 18, 1864, and mustered out October 14, 1864, as first lieutenant. The second lieutenant Company K, Forty-fourth New York Infantry, died July 8, 1863, and said Theodore Hoes was duly appointed July 8, 1863, by the governor of New York to fill said vacancy; the first lieutenant Company B was discharged May 27, 1863, and said Theodore Hoes was duly appointed by the governor of New York, September 20, 1863, to fill said vacancy.

On those dates and until he was mustered into the service as first lieutenant, to wit, on July 12, 1864, every company of said regiment was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734), although the duties of second lieutenant and of first lieutenant devolved upon said Theodore Hoes, who on July 8, 1863, and September 24, 1863, assumed and performed said duties.

3. On the said July 8, 1863, the mustering officer then and thereafter refused to muster the said Theodore Hoes as second lieutenant, and on September 20, 1863, refused him muster as first lieutenant, Forty-fourth Regiment of New York Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant and first lieutenant until he was mustered into the service as first lieutenant, July 12, 1864.

4. If the said Theodore Hoes should be deemed second lieutenant, Forty-fourth New York Infantry, from July 18, 1863, and first lieutenant, same regiment, from September 20, 1863, and entitled to the pay of those grades, the difference between his pay and allowances as a first sergeant, which he has received, and that of a lieutenant, without servant, to which he would have been entitled had he been mustered from the period from July 8, 1863, to July 11, 1864, is reported by the Auditor for the War Department as follows:

Second lieutenant's pay and subsistence, July 8 to September 9, 1863		$196.80
First lieutenant's pay and subsistence, September 20 to July 11, 1864		841.87
First lieutenant's pay and subsistence, July 12 to 16, 1864		14.33
Short payment		16.32
Total		1,069.32
Less pay received as sergeant	$368.24	
Bounty paid but forfeited by reason of promotion	210.00	
		578.24
Balance due		491.08

(Four hundred and ninety-one dollars and eight cents.)

BY THE COURT.

Filed March 11, 1907.
A true copy.
Test this 13th day of March, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 261.

FINDINGS IN CASE OF FLORENCE M. METZ, WIDOW OF EDMUND METZ.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF FLORENCE M. METZ, WIDOW OF EDMUND METZ, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-121. Florence M. Metz, widow of Edmund Metz, deceased *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives, on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennepaker and Jones appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant, in her petition, makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Reno, in the State of Kansas, and she is the widow of Edmund Metz, deceased.

2. That said Edmund Metz being the sergeant of Company H, Thirty-eighth Regiment of Ohio Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Ohio as second lieutenant thereof on February 25, 1864; and that from and after said date the said Edmund Metz assumed and performed all the duties of his said grade until April 20, 1864, when he was mustered in as such; said regiment was continuously below the

minimum number prescribed by law and regulation, and for this reason, and no other, said Edmund Metz was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period the said Edmund Metz was allowed and paid only the pay and allowances of a sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence, and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Florence B. Metz, widow of Edmund Metz, deceased, the claimant of this case, citizen of the United States and resident of the county of Reno, in the State of Kansas.

2. On February 25, 1864, Edmund Metz was sergeant of Company H, Thirty-eighth Regiment of Ohio Volunteer Infantry. On that date and until he was mustered into the service, to wit, on April 20, 1864, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The second lieutenant of said Company H, Thirty-eighth Regiment Ohio Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon said Edmund Metz, who then and thereafter assumed and performed all the duties of second lieutenant of said Company H, Thirty-eighth Regiment Ohio Volunteer Infantry.

The governor of the State of Ohio also issued to said Edmund Metz a commission as second lieutenant Company H, Thirty-eighth Regiment of Ohio Volunteer Infantry.

3. On the said February 25, 1864, the mustering officer then and thereafter refused to muster the said Edmund Metz as second lieutenant of said company H, Thirty-eighth Regiment of Ohio Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such, April 20, 1864.

4. If the said Edmund Metz should be deemed second lieutenant of Company H, Thirty-eighth Regiment of Ohio Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a sergeant, which he has received, and that of a second lieutenant, without servant, to which he would have been entitled had he been mustered from the period from February 25, 1864, to April 19, 1864, would amount to $113.23 (one hundred and thirteen dollars and twenty-three cents), as reported by the Auditor for the War Department, including short payments aggregating $20.10.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.

Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 262.

FINDINGS IN CASE OF LEONARD H. MAHAN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF LEONARD H. MAHAN AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-123. Leonard H. Mahan v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker and Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Vigo, in the State of Indiana.

2. That he, being the first sergeant of Company C, Thirty-first Regiment of Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as second lieutenant thereof on May 1, 1864; and that from and after April 12, 1864, he assumed and performed all the duties of his said grade until June 25, 1864, when he was mustered in as first lieutenant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Leonard H. Mahan, the claimant in this case, is a citizen of the United State and resident in the county of Vigo, in the State of Indiana.

2. On April 12, 1864, the said Leonard H. Mahan was first sergeant of Company C, Thirty-first Regiment Indiana Volunteer Infantry. On that date and until he was mustered into the service, to wit, on June 25, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The second lieutenant of said Company C, Thirty-first Regiment Indiana Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company C, Thirty-first Regiment Indiana Volunteer Infantry, until June 21, 1864.

The governor of the State of Indiana also issued to this claimant a commission as second lieutenant, Company C, Thirty-first Regiment Indiana Volunteer Infantry.

3. On the said April 12, 1864, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company C, Thirty-first Regiment Indiana Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as first lieutenant, June 25, 1864.

4. If the said Leonard H. Mahan should be deemed second lieutenant of Company C, Thirty-first Regiment Indiana Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant to which he would have been entitled had he been mustered for the period from April 12, 1864, to June 24, 1864, would amount to $119.14, as reported by the Auditor for the War Department, including an erroneous deduction of income tax of $4.66.

5. Income tax, if to be deducted, would amount to $3.96, leaving a balance of one hundred and fifteen dollars and eighteen cents ($115.18).

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 263.

FINDINGS IN CASE OF CYRUS J. McCOLE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF CYRUS J. M'COLE AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-130. Cyrus J. McCole *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Hamilton, in the State of Indiana.

2. That he, being the major of the Seventy-fifth Regiment of Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as lieutenant-colonel thereof on April 1, 1864, and that from and after said date he assumed and performed all the duties of his said grade until June 16, 1865, when he was mustered out as major. Said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of lieutenant-colonel during said period.

3. That during said period he was allowed and paid only the pay and allowances of a major, although he was in the continuous performance of the duties of lieutenant-colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Cyrus J. McCole, the claimant in this case, is a citizen of the United States and resident in the county of Hamilton, in the State of Indiana.

2. On April 1, 1864, the said Cyrus J. McCole was major of the Seventy-fifth Regiment Indiana Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on June 16, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The lieutenant-colonel of said Seventy-fifth Regiment Indiana Volunteer Infantry being then and thereafter out of service in said grade, the duties of lieutenant-colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of lieutenant-colonel of said Seventy-fifth Regiment Indiana Volunteer Infantry.

The governor of the State of Indiana also issued to this claimant a commission as lieutenant-colonel Seventy-fifth Regiment Indiana Volunteer Infantry.

3. On the said April 1, 1864, the mustering officer then and thereafter refused to muster this claimant as lieutenant-colonel of said Seventy-fifth Regiment Indiana Volunteer Infantry solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of lieutenant-colonel until he was mustered out of the service as major, June 16, 1865.

4. If the said Cyrus J. McCole should be deemed lieutenant-colonel of the Seventy-fifth Regiment Indiana Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a major, which he has received, and that of a lieutenant-colonel to which he would have been entitled had he been mustered for the period from April 1, 1864, to June 16, 1865, would amount to $330.44 (three hundred and thirty dollars and forty-four cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.

Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 264.

FINDINGS IN CASE OF WILLIAM B. PALMER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF WILLIAM B. PALMER AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-139. William B. Palmer v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Denver, in the State of Colorado.

2. That he, being the sergeant of Company C, Fifty-third Regiment Illinois Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Illinois as second lieutenant thereof on November 11, 1864, and that from and after said date he assumed and performed all the duties of his said grade until March 29, 1865, when he was mustered in as second lieutenant: said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDING OF FACT.

1. William B. Palmer, the claimant in this case, is a citizen of the United States and resident in the county of Denver, in the State of Colorado.

2. On November 11, 1864, the said William B. Palmer was sergeant of Company C, Fifty-third Regiment Illinois Volunteer Infantry. On that date and until he was mustered into the service, to wit, on March 29, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The second lieutenant of said Company C, Fifty-third Regiment Illinois Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company C, Fifty-third Regiment Illinois Volunteer Infantry.

The governor of the State of Illinois also issued to this claimant a commission as second lieutenant, Company C, Fifty-third Regiment Illinois Volunteer Infantry.

3. On the said November 11, 1864 the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company C, Fifty-third Regiment Illinois Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such March 29 1865.

4. During the period aforesaid, to wit, from November 11, 1864, to March 29, 1865, this claimant employed no servant not enlisted.

5. During said period this claimant did draw rations from the Government.

6. If the said William B. Palmer should be deemed second lieutenant of Company C, Fifty-third Regiment Illinois Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a sergeant, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered for the period from November 11, 1864, to March 28, 1865, would amount to three hundred and sixty dollars and sixty-five cents ($360.65), as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 265.

FINDINGS IN CASE OF CARRIE M. PERSONS, EXECUTRIX OF WILLIAM STUBBS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF CARRIE M. PERSONS, EXECUTRIX OF WILLIAM STUBBS, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12,169. Carrie M. Persons. executrix of William Stubbs, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker and Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Cook, in the State of Illinois, and is the executrix of William Stubbs, deceased.

2. That said William Stubbs, being the major of the Eighth Regiment of Iowa Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Iowa as colonel thereof on July 1, 1865; and that from and after said date the said William Stubbs assumed and performed all the duties of his said grade until November 15, 1865, when he was mustered out as major; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said William Stubbs was refused muster and recognition in the grade of colonel during said period.

3. That during said period the said William Stubbs was allowed and paid only the pay and allowances of a major, although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Carrie M. Persons, executrix of William Stubbs, deceased, the claimant of this case, is a citizen of the United States and resident of the county of Cook, in the State of Illinois.

2. On July 1, 1865, William Stubbs was major of the Eighth Regiment of Iowa Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on November 15, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The colonel of said Eighth Regiment Iowa Volunteer Infantry being then and thereafter out of service in said grade, the duites of colonel devolved upon said William Stubbs, who then and thereafter assumed and performed all the duties of colonel of said Eighth Regiment Iowa Volunteer Infantry.

The governor of the State of Iowa also issued to said William Stubbs a commission as colonel, Eighth Regiment of Iowa Volunteer Infantry.

3. On the said July 1, 1865, the mustering officer then and thereafter refused to muster the said William Stubbs as colonel of said Eighth Regiment of Iowa Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered out of the service as major, November 15, 1865.

4. If the said William Stubbs should be deemed colonel of the Eighth Regiment of Iowa Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a major, which he has received, and that of a colonel, to which he would have been entitled had he been mustered from the period from July 1, 1865, to November 15, 1865, would amount to four hundred and eleven dollars and seventeen cents ($411.17), including short payment of $1.50 and 75 cents income tax erroneously deducted, as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 266.

FINDINGS IN CASE OF GEORGE T. SHACKELFORD.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF GEORGE T. SHACKELFORD AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-162. George T. Shackelford v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Denver, in the State of Colorado.

2. That he, being the lieutenant-colonel of the Sixth Regiment of Kentucky Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Kentucky as colonel thereof on July 7, 1863, and that from and after said date he assumed and performed all the duties of his said grade until September 1, 1863, when he was mustered in as such. Said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of colonel during said period.

3. That during said period he was allowed and paid only the pay and allowances of a lieutenant-colonel, although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. George T. Shackelford, the claimant in this case, is a citizen of the United States and resident in the county of Denver, in the State of Colorado.

2. On July 7, 1863, the said George T. Shackelford was lieutenant-colonel of the Sixth Regiment Kentucky Volunteer Infantry. On that date and until he was mustered into the service, to wit, on September 1, 1863, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The colonel of said Sixth Regiment Kentucky Volunteer Infantry being then and thereafter out of service in said grade, the duties of colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of colonel of said Sixth Regiment Kentucky Volunteer Infantry.

The governor of the State of Kentucky also issued to this claimant a commission as colonel Sixth Regiment Kentucky Volunteer Infantry.

3. On the said July 7, 1863, the mustering officer then and thereafter refused to muster this claimant as colonel of said Sixth Regiment Kentucky Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered into the service as such September 1, 1863.

4. If the said George T. Shackelford should be deemed colonel of the Sixth Regiment Kentucky Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel, which he has received, and that of a colonel, to which he would have been entitled had he been mustered for the period from July 7, 1863, to August 31, 1863, would amount to $43.80 (forty-three dollars and eighty cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 267.

FINDINGS IN CASE OF JOHN H. STIBBS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN H. STIBBS AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, Nos. 12169-12173. John H. Stibbs v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Cook, in the State of Illinois.

2. That he, being the lieutenant-colonel of the Twelfth Regiment of Iowa Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Iowa as colonel thereof on February 11, 1865; and that from and after said date he assumed and performed all the duties of his said grade until September 18, 1865, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of colonel during said period.

3. That during said period he was allowed and paid only the pay and allowances of a lieutenant-colonel, although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. John H. Stibbs, the claimant in this case, is a citizen of the United States and resident in the county of Cook, in the State of Illinois.

2. On February 11, 1865, the said John H. Stibbs was lieutenant-colonel of the Twelfth Regiment Iowa Volunteer Infantry. On that date and until he was mustered into the service—to wit, on September 18, 1865—the same was and continued to be below the minimum number prescribed by General Orders. No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 734).

The colonel of said Twelfth Regiment Iowa Volunteer Infantry being then and thereafter out of service in said grade, the duties of colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of colonel of said Twelfth Regiment Iowa Volunteer Infantry.

The governor of the State of Iowa also issued to this claimant a commission as colonel Twelfth Regiment Iowa Volunteer Infantry.

3. On the said February 11, 1865, the mustering officer then and thereafter refused to muster this claimant as colonel of said Twelfth Regiment Iowa Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered into the service as such, September 18, 1865.

4. If the said John H. Stibbs should be deemed colonel of the Twelfth Regiment Iowa Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel which he has received and that of a colonel to which he would have been entitled had he been mustered for the period from February 11, 1865 to September 17, 1865, would amount to $216.18 (two hundred and sixteen dollars and eighteen cents) as reported by the Auditor for the War Department, including an erroneous stoppage of $1.78 tax.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH.
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 268.

FINDINGS IN CASE OF JOHN W. SALE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN W. SALE AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-175. John W. Sale *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Allen, in the State of Indiana.

2. That he, being the first sergeant of Company C, Sixty-seventh Regiment of Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as second lieutenant thereof on March 1, 1864; and that from and after said date he assumed and performed all the duties of his said grade until December 24, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. John W. Sale, the claimant in this case, is a citizen of the United States and resident in the county of Allen, in the State of Indiana.

2. On March 1, 1864, the said John W. Sale was first sergeant of Company C, Sixty-seventh Regiment Indiana Volunteer Infantry. On that date and until he was mustered into the service, to wit, on December 24, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 734.)

The second lieutenant of said Company C, Sixty-seventh Regiment Indiana Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company C, Sixty-seventh Regiment Indiana Volunteer Infantry.

The governor of the State of Indiana also issued to this claimant a commission as second lieutenant, Company C, Sixty-seventh Regiment Indiana Volunteer Infantry.

3. On the said March 1, 1864, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company C, Sixty-seventh Regiment Indiana Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such December 24, 1864.

4. If the said John W. Sale should be deemed second lieutenant of Company C, Sixty-seventh Regiment Indiana Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant, without servant, to which he would have been entitled had he been mustered for the period from March 1, 1864, to December 23, 1864, would be stated as follows, as reported by the Auditor for the War Department:

Second lieutenant's pay, 9 months and 22 days		$438.00
Second lieutenant's subsistence, 297 days		356.40
Total		794.40
Debits:		
Pay received as first sergeant, above period	$225.60	
Clothing received as first sergeant, above period	34.07	
Subsistence as first sergeant, 297 days	85.11	
Original and additional bounty forfeited	150.00	
		494.78
Balance due claimant		299.62

(Two hundred and ninety-nine dollars and sixty-two cents.)

BY THE COURT.

Filed March 11, 1907.

A true copy.
Test this 13th day of March, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 269.

FINDINGS IN CASE OF GEORGE W. CLARK.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF GEORGE W. CLARK AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-21. George W. Clark v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 18th day of March, 1907.

Messrs. Pennebaker and Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the southern district in the Indian Territory.

2. That he, being the first sergeant of Company I, Sixth Regiment of Iowa Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Iowa as first lieutenant thereof on October 24, 1863; and that from and after said date he assumed and performed all the duties of his said grade until December 19, 1863, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of first lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of first lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. George W. Clark, the claimant in this case, is a citizen of the United States and resident in the southern district of Indian Territory.

2. On October 24, 1863, the said George W. Clark was first sergeant of Company I, Sixth Regiment Iowa Volunteer Infantry. On that date and until he was mustered into the service, to wit, on December 19, 1863, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 734.)

The first lieutenant of said Company I, Sixth Regiment Iowa Volunteer Infantry, being then and thereafter out of service in said grade, the duties of first lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of first lieutenant of said Company I, Sixth Regiment Iowa Volunteer Infantry.

The governor of the State of Iowa also issued to this claimant a commission as first lieutenant Company I, Sixth Regiment Iowa Volunteer Infantry.

3. On the said October 24, 1863, the mustering officer then and thereafter refused to muster this claimant as first lieutenant of said Company I, Sixth Regiment Iowa Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of first lieutenant until he was mustered into the service as such December 19, 1863.

4. If the said George W. Clark should be deemed first lieutenant of Company I, Sixth Regimnet Iowa Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a first lieutenant, to which he would have been entitled had he been mustered, for the period from October 24, 1863, to December 18, 1863, would amount to $106.26 (one hundred and six dollars and twenty-six cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 270.

FINDINGS IN CASE OF JAMES S. DE LAND.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JAMES S. DE LAND AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-37. James S. De Land v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 18th day of March, 1907.

Messrs. Pennebaker and Jones appeared for the claimant and the Attorney-General, by his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the city of Detroit, in the State of Michigan.

2. That he, being the sergeant-major of the First Regiment of Michigan Sharpshooters Volunteers, was duly appointed or commissioned by the governor of the State of Michigan as first lieutenant thereof on June 20, 1864; and that from and after July 7, 1864, he assumed and performed all the duties of his said grade until September 13, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason and no other he was refused muster and recognition in the grade of first lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a sergeant-major, although he was in the continuous performance of the duties of first lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. James S. De Land, the claimant in this case, is a citizen of the United States and resident in the city of Detroit, in the State of Michigan.

2. On July 7, 1864, the said James S. De Land was sergeant-major of the First Regiment Michigan Volunteer Sharpshooters. On that date and until he was mustered out of the service, to wit, on September 13, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 734.)

The first lieutenant of said Company E, First Regiment Michigan Volunteer Sharpshooters, being then and thereafter out of service in said grade, the duties of first lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of first lieutenant of said Company E, First Regiment Michigan Volunteer Sharpshooters.

The governor of the State of Michigan also issued to this claimant a commission as first lieutenant, Company E, First Regiment Michigan Volunteer Sharpshooters.

3. On the said July 7, 1864, the mustering officer then and thereafter refused to muster this claimant as first lieutenant of said Company E, First Regiment Michigan Volunteer Sharpshooters, solely because his command was below its minimum strength as aforesaid, although he continued to perform the duties of first lieutenant until he was mustered into the service as such September 13, 1864.

4. During the period aforesaid, to wit, from July 7, 1864, to September 12, 1864, this claimant employed one servant, not enlisted.

5. During said period this claimant did not draw rations from the Government.

6. If the said James S. De Land should be deemed first lieutenant of Company E, First Regiment Michigan Volunteer Sharpshooters, and entitled to the pay of that grade, the difference between his pay and allowances as a sergeant-major which he has received, and that of a first lieutenant, to which he would have been entitled had he been mustered for the period from July 7, 1864, to September 12, 1864, would amount to $202.88 (two hundred and two dollars and eighty-eight cents), as reported by the Auditor for the War Department, including $1.08 income tax erroneously deducted.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 271.

FINDINGS IN CASE OF JOHN H. DANKS, SON OF JOHN A. DANKS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN H. DANKS, SON AND HEIR OF JOHN A. DANKS, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-39. John H. Danks, son and sole heir of John A. Danks, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 18th day of March, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident of the county of Allegheny, in the State of Pennsylvania, and is the son and sole heir of John A. Danks, deceased.

2. That said John A. Danks, being the lieutenant-colonel of the Sixty-third Regiment of Pennsylvania Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Pennsylvania as colonel thereof on July 1, 1863, and that from and after said date the said John A. Danks assumed and performed all the duties of his said grade until August 5, 1864, when he was mustered out as lieutenant-colonel. Said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said John A. Danks was refused muster and recognition in the grade of colonel during said period.

3. That during said period the said John A. Danks was allowed and paid only the pay and allowances of a lieutenant-colonel although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. John H. Danks, the claimant of this case, citizen of the United States, and resident of the county of Allegheny, in the State of Pennsylvania.

2. On July 1, 1863, John A. Danks was lieutenant-colonel of the Sixty-third Regiment of Pennsylvania Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on August 5, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 734.)

The colonel of said Sixty-third Regiment Pennsylvania Volunteer Infantry being then and thereafter out of service in said grade, the duties of colonel devolved upon said John A. Danks, who then and thereafter assumed and performed all the duties of colonel of said Sixty-third Regiment Pennsylvania Volunteer Infantry until August 5, 1864, when mustered out as lieutenant-colonel.

The governor of the State of Pennsylvania also issued to said John A. Danks a commission as colonel Sixty-third Regiment of Pennsylvania Volunteer Infantry.

3. On the said July 1, 1863, the mustering officer then and thereafter refused to muster the said John A. Danks as colonel of said Sixty-third Regiment of Pennsylvania Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered out of the service as lieutenant-colonel, August 5, 1864.

4. If the said John A. Danks should be deemed colonel of the Sixty-third Regiment of Pennsylvania Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel, which he has received, and that of a colonel, to which he would have been entitled had he been mustered from the period from July 1, 1863, to August 5, 1864, would amount to $187.81 (one hundred and eighty-seven dollars and eighty-one cents), as reported by the Auditor for the War Department, including a deduction of $3.30 income tax on remuster.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 272.

FINDINGS IN CASE OF RICHARD N. DOYLE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF RICHARD N. DOYLE AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-43. Richard N. Doyle v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 18th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Los Angeles, in the State of California.

2. That he, being the captain of Company H, Eight Regiment Michigan Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Michigan as lieutenant-colonel thereof on May 7, 1864, and that from and after said date he assumed and performed all the duties of his said grade until August 11, 1865, when he was mustered out as major; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of lieutenant-colonel during said period.

3. That during said period he was allowed and paid only the pay and allowances of a captain and major, although he was in the continuous performance of the duties of lieutenant-colonel.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Richard N. Doyle, the claimant in this case, is a citizen of the United States and resident in the county of Los Angeles, in the State of California.

2. On May 7, 1864, the said Richard N. Doyle was captain of Company H, Eighth Regiment Michigan Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on August 11, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The lieutenant-colonel of said Eighth Regiment Michigan Volunteer Infantry being then and thereafter out of service in said grade, the duties of lieutenant-colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of lieutenant-colonel of said Eighth Regiment Michigan Volunteer Infantry.

The governor of the State of Michigan also issued to this claimant a commission as lieutenant-colonel, Eighth Regiment Michigan Volunteer Infantry.

3. On the said May 7, 1864, the mustering officer then and thereafter refused to muster this claimant as lieutenant-colonel of said Eighth Regiment Michigan Volunteer Infantry solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of lieutenant-colonel until he was mustered out of the service as major, August 11, 1865.

4. If the said Richard N. Doyle should be deemed lieutenant-colonel of the Eighth Regiment Michigan Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a captain and major which he has received, and that of a lieutenant-colonel to which he would have been entitled had he been mustered for the period from May 7, 1864, to August 11, 1865, would amount to $397.97 (three hundred and ninety-seven dollars and ninety-seven cents), as reported by the Auditor for the War Department, including a short payment of $6.58.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 273.

FINDINGS IN CASE OF WILLIAM W. DUTCHER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF WILLIAM W. DUTCHER AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-45. William W. Dutcher v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 18th day of March, 1907.

Messrs. Pennebaker and Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Essex, in the State of Massachusetts.

2. That he, being the first sergeant of Company B, Twenty-third Regiment of Massachusetts Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Massachusetts as first lieutenant thereof on September 29, 1864; and that from and after said date he assumed and performed all the duties of his said grade until April 2, 1865, when he was mustered in as such; said regiment was continously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of first lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of first lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. William W. Dutcher, the claimant in this case, is a citizen of the United States and resident in the county of Essex, in the State of Massachusetts.

2. On September 29, 1864, the said William W. Dutcher was first sergeant of Company B, Twenty-third Regiment Massachusetts Volunteer Infantry. On that date and until he was mustered into the service—to wit, on April 2, 1865—the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The first lieutenant of said Company B, Twenty-third Regiment Massachusetts Volunteer Infantry, being then and thereafter out of service in said grade, the duties of first lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of first lieutenant of said Company B, Twenty-third Regiment Massachusetts Volunteer Infantry.

The governor of the State of Massachusetts also issued to this claimant a commission as first lieutenant, Company B, Twenty-third Regiment Massachusetts Volunteer Infantry.

3. On the said September 29, 1864, the mustering officer then and thereafter refused to muster this claimant as first lieutenant of said Company B, Twenty-third Regiment Massachusetts Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of first lieutenant until he was mustered into the service as such, April 2, 1865.

4. During the period aforesaid, to wit, from September 29, 1864, to April 1, 1865, this claimant employed no servant not enlisted.

5. During said period this claimant did draw rations from the Government.

6. If the said William W. Dutcher should be deemed first lieutenant of Company B, Twenty-third Regiment Massachusetts Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a first lieutenant, to which he would have been entitled had he been mustered for the period from September 29, 1864, to April 1, 1865, would amount to $457.84 (four hundred and fifty-seven dollars and eighty-four cents), as reported by the Auditor for the War Department, including a short payment of $10.10 income tax on remuster.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 274.

FINDINGS IN CASE OF THOMAS O. EDDINS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF THOMAS O. EDDINS AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-46. Thomas O. Eddins v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 18th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Pike in the State of Illinois.

2. That he, being the sergeant-major, Eighth Regiment of Missouri Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Missouri as first lieutenant thereof on September 22, 1863; and that from and after said date he assumed and performed all the duties of his said grade until January 14, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of first lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a sergeant-major although he was in the continuous performance of the duties of first lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Thomas O. Eddins, the claimant in this case, is a citizen of the United States and resident in the county of Pike in the State of Illinois.

2. On September 22, 1863, the said Thomas O. Eddins was sergeant-major of the Eighth Regiment Missouri Volunteer Infantry. On that date and until he was mustered into the service—to wit, on January 14, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 734.)

The first lieutenant of said Company I, Eighth Regiment Missouri Volunteer Infantry, being then and thereafter out of service in said grade, the duties of first lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of first lieutenant of said Company I, Eighth Regiment Missouri Volunteer Infantry.

The governor of the State of Missouri also issued to this claimant a commission as first lieutenant Company I, Eighth Regiment Missouri Volunteer Infantry.

3. On the said September 22, 1863, the mustering officer then and thereafter refused to muster this claimant as first lieutenant of said Company I, Eighth Regiment Missouri Volunteer Infantry, solely because his command was below its minimum strength as aforesaid, although he continued to perform the duties of first lieutenant until he was mustered into the service as such, January 14, 1864.

4. During the period aforesaid, to wit, from September 23, 1863, to January 12, 1864, this claimant employed no servant not enlisted.

5. During said period this claimant did not draw rations from the Government.

6. If the said Thomas O. Eddins should be deemed first lieutenant of Company I, Eighth Regiment Missouri Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a sergeant-major, which he has received, and that of a first lieutenant, to which he would have been entitled had he been mustered for the period from September 23, 1863, to January 12, 1864, would amount to $227.90 (two hundred and twenty-seven dollars and ninety cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 275.

FINDINGS IN CASE OF SILAS GRIMES.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF SILAS GRIMES AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-54. Silas Grimes v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 18th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Monroe, in the State of Indiana.

2. That he, being the captain of Company G, Thirty-first Regiment Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as major thereof on November 22, 1864, and that from and after said date he assumed and performed all the duties of his said grade until January 7, 1865, when he was mustered in as such. Said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of major during said period. He was also commissioned lieutenant-colonel March 13, 1865, but never mustered in for same reason.

3. That during said period he was allowed and paid only the pay and allowances of a captain and major, although he was in the continuous performance of the duties of major and lieutenant-colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Silas Grimes, the claimant in this case, is a citizen of the United States and resident in the county of Monroe, in the State of Indiana.

2. On November 22, 1864, the said Silas Grimes was captain of Company G, Thirty-first Regiment Indiana Volunteer Infantry, and on March 13, 1865, he was major. On those dates and until he was mustered into the service, to wit, as major on January 7, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 734.)

The major and lieutenant-colonel of said Thirty-first Regiment Indiana Volunteer Infantry being then and thereafter out of service in said grades the duties of major and lieutenant-colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of major and lieutenant-colonel of said Thirty-first Regiment Indiana Volunteer Infantry until he was mustered in as major January 7, 1865, and mustered out as such January 9, 1866.

The governor of the State of Indiana also issued to this claimant a commission as major and lieutenant-colonel Thirty-first Regiment Indiana Volunteer Infantry.

3. On the said dates the mustering officer then and thereafter refused to muster this claimant as major and lieutenant-colonel of said Thirty-first Regiment Indiana Volunteer Infantry solely because his command was below its minimum strength as aforesaid, although he continued to perform the duties of major and lieutenant-colonel until he was mustered out of the service as major January 9, 1866.

4. If the said Silas Grimes should be deemed major and lieutenant-colonel of the Thirty-first Regiment Indiana Volunteer Infantry and entitled to the pay of those grades the difference between his pay and allowances as a captain, which he has received, and that of a major, to which he would have been entitled had he been mustered for the period from November 22, 1864, to January 6, 1865, and between major and lieutenant-colonel from March 13, 1865, and January 9, 1866, amount to $288.37 (two hundred and eighty-eight dollars and thirty-seven cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 276.

FINDINGS IN CASE OF JOHN B. GEDDIS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN B. GEDDIS AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-59. John B. Geddis v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 18th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Beadle, in the State of South Dakota.

2. That he, being the captain of Company C, One hundred and twenty-sixth Regiment New York Volunteer Infantry, was duly appointed or commissioned by the governor of the State of New York as lieutenant-colonel thereof on June 17, 1864; and that from and after said date he assumed and performed all the duties of his said grade until June 15, 1865, when he was mustered out as captain; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason and no other he was refused muster and recognition in the grade of lieutenant-colonel during said period.

3. That during said period he was allowed and paid only the pay and allowances of a captain, although he was in the continuous performance of the duties of lieutenant-colonel.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. John B. Geddis, the claimant in this case, is a citizen of the United States and resident in the county of Beadle, in the State of South Dakota.

2. On June 17, 1864, the said John B. Geddis was captain of Company C, One hundred and twenty-sixth Regiment New York Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on June 15, 1865, the same was, and continued to be, below the minimum number prescribed by General Order, No. 182 of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 734.)

The lieutenant-colonel of said One hundred and twenty-sixth Regiment New York Volunteer Infantry being then and thereafter out of service in said grade, the duties of lieutenant-colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of lieutenant-colonel of said One hundred and twenty-sixth Regiment New York Volunteer Infantry.

The governor of the State of New York also issued to this claimant a commission as lieutenant-colonel One hundred and twenty-sixth Regiment New York Volunteer Infantry.

3. On the said June 17, 1864, the mustering officer then and thereafter refused to muster this claimant as lieutenant-colonel of said One hundred and twenty-sixth Regiment New York Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of lieutenant-colonel until he was mustered out of the service as captain June 15, 1865.

4. During the period aforesaid, to wit, from June 17, 1864, to June 15, 1865, this claimant employed one servant not enlisted.

5. If the said John B. Geddis should be deemed lieutenant-colonel of the One hundred and twenty-sixth Regiment New York Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a captain, which he has received, and that of a lieutenant-colonel, to which he would have been entitled had he been mustered for the period from June 17, 1864, to June 15, 1865, would amount to $391.31 (three hundred and ninety-one dollars and thirty-one cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 277.

FINDINGS IN CASE OF JOSEPH D. HAZZARD.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOSEPH D. HAZZARD AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-70. Joseph D. Hazzard v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 18th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Lake, in the State of Florida.

2. That he, being the first lieutenant of Company D, Seventy-ninth Regiment of Pennsylvania Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Pennsylvania as captain thereof on December 20, 1864; and that from and after said date he assumed and performed all the duties of his said grade until July 18, 1865, when he was mustered out as first lieutenant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of captain during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first lieutenant, although he was in the continuous performance of the duties of captain.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Joseph D. Hazzard, the claimant in this case, is a citizen of the United States and resident in the county of Lake, in the State of Florida.

2. On December 20, 1864, the said Joseph D. Hazzard was first lieutenant of Company D, Seventy-ninth Regiment Pennsylvania Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on July 18, 1865, the same was and continued to be below the minimum number prescribed by General Orders No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 734.)

The captain of said Company D, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, being then and thereafter out of service in said grade, the duties of captain devolved upon this claimant, who then and thereafter assumed and performed all the duties of captain of said company D, Seventy-ninth Regiment Pennsylvania Volunteer Infantry.

The governor of the State of Pennsylvania also issued to this claimant a commission as captain Company D, Seventy-ninth Regiment Pennsylvania Volunteer Infantry.

3. On the said December 20, 1864, the mustering officer then and thereafter refused to muster this claimant as captain of said Company D, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of captain until he was mustered out of the service as first lieutenant July 18, 1865.

4. If the said Joseph D. Hazzard should be deemed captain of Company D, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and entitled to the pay of that grade, the differences between his pay and allowances as a first lieutenant, which he has received, and that of a captain, to which he would have been entitled had he been mustered for the period from December 20, 1864, to July 18, 1865, would amount to $106.21 (one hundred and six dollars and twenty-one cents) as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 278.

FINDINGS IN CASE OF CORNELIA P. BECKLEY AND MAUDE P. CLARK, DAUGHTERS OF HAMILTON S. PRESTON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF CORNELIA P. BECKLEY AND MAUDE P. CLARK, DAUGHTERS OF HAMILTON S. PRESTON, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12640-15. Cornelia P. Beckley and Maude P. Clark, daughters of Hamilton S. Preston, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 18th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimants in their petition make substantially the following allegations:

1. That they are citizens of the United States and residents of the county of Delaware, in the State of New York, and the children and sole heirs of Hamilton S. Preston, deceased.

2. That said Hamilton S. Preston, being the first sergeant of Company H, One hundred and forty-fourth Regiment New York Volunteer Infantry, was duly appointed or commissioned by the governor of the State of New York as first lieutenant Company G, on March 16, 1864, and that from and after said date the said first lieutenant assumed and performed all the duties of his said grade until May 12, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no

[illegible] said Hamilton S. Preston was refused muster and recognition in the grade of [illegible] during said period.

[illegible] during said period the said Hamilton S. Preston was allowed and paid [illegible] pay and allowances of a first sergeant, although he was in the continuous [illegible] of the duties of first lieutenant.

[illegible] the reports furnished by the War and Treasury Departments, and upon other [illegible] and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Cornelia P. Beckley and Maude P. Clark, the claimants of this case, are citizens of the United States and residents of the county of Delaware, in the State of New York.

2. On March 16, 1864, Hamilton S. Preston was first sergeant of Company H, One hundred and forty-fourth Regiment of New York Volunteer Infantry. On that date and until he was mustered into the service, to wit, on May 12, 1864, as first lieutenant Company G, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 794.)

The first lieutenant of said Company G, One hundred and forty-fourth Regiment New York Volunteer Infantry, being then and thereafter out of service in said grade, the duties of first lieutenant devolved upon said Hamilton S. Preston, who then and thereafter assumed and performed all the duties of first lieutenant of said Company G, One hundred and forty-fourth Regiment New York Volunteer Infantry, until mustered in as such, May 12, 1864.

The governor of the State of New York also issued to said Hamilton S. Preston a commission as first lieutenant Company G, One hundred and forty-fourth Regiment New York Volunteer Infantry.

3. On the said March 16, 1864, the mustering officer then and thereafter refused to muster the said Hamilton S. Preston as first lieutenant of said Company G, One hundred and forty-fourth Regiment New York Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of first lieutenant until he was mustered into the service as such, May 12, 1864.

4. If the said Hamilton S. Preston should be deemed first lieutenant of Company G, One hundred and forty-fourth Regiment New York Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant which he has received, and that of a first lieutenant without servant to which he would have been entitled had he been mustered from the period from March 16, 1864, to May 11, 1864, would amount to ($104.05) one hundred and four dollars and five cents, as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 279.

FINDINGS IN CASE OF WARREN ONAN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF WARREN ONAN AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12640-23. Warren Onan *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 16th day of June, 1906. The case was brought to a hearing on its merits on the 18th day of March, 1907.

Messer. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Clay in the State of Minnesota.

2. That he, being the second lieutenant of Company C, One hundred and fifty-fourth Regiment of New York Volunteer Infantry, was duly appointed or commissioned by the governor of the State of New York as first lieutenant thereof on February 20, 1865; and that from and after said date he assumed and performed all the duties of his said grade until June 11, 1865, when he was mustered out as second lieutenant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of first lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a second lieutenant, although he was in the continuous performance of the duties of first lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Warren Onan, the claimant in this case, is a citizen of the United States and resident in the county of Clay, in the State of Minnesota.

2. On February 20, 1865, the said Warren Onan was second lieutenant of Company C, One hundred and fifty-fourth Regiment New York Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on June 23, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The first lieutenant of said Company C, One hundred and fifty-fourth Regiment New York Volunteer Infantry being then and thereafter out of service in said grade, the duties of first lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of first lieutenant of said Company C, One hundred and fifty-fourth Regiment New York Volunteer Infantry.

The governor of the State of New York also issued to this claimant a commission as first lieutenant Company C, One hundred and fifty-fourth Regiment New York Volunteer Infantry.

3. On the said February 20, 1865, the mustering officer then and thereafter refused to muster this claimant as first lieutenant of said Company C, One hundred and fifty-fourth Regiment New York Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of first lieutenant until he was mustered out of the service as second lieutenant, June 23, 1865.

4. If the said Warren Onan should be deemed first lieutenant of Company C, One hundred and fifty-fourth Regiment New York Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a second lieutenant which he has received, and that of a first lieutenant to which he would have been entitled had he been mustered for the period from February 20, 1865, to June 23, 1865, would amount to $39.74 (thirty-nine dollars and seventy-four cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 280.

FINDINGS IN CASE OF FREDERICK LAMBRECHT.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF FREDERICK LAMBRECHT AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12640-26. Frederick Lambrecht v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing, on its merits, on the 18th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant, in his petition, makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Ramsey, in the State of Minnesota.

2. That he, being the first sergeant of Company G, Second Regiment of Minnesota Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Minnesota as second lieutenant thereof on January 29, 1865; and that from and after said date he assumed and performed all the duties of his said grade until April 25, 1865, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Frederick Lambrecht, the claimant in this case, is a citizen of the United States and resident in the county of Ramsey, in the State of Minnesota.

2. On January 29, 1865, the said Frederick Lambrecht was first sergeant of Company G, Second Regiment Minnesota Volunteer Infantry. On that date and until he was mustered into the service, to wit, on April 25, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The second lieutenant of said Company G, Second Regiment Minnesota Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company G, Second Regiment Minnesota Volunteer Infantry.

The governor of the State of Minnesota also issued to this claimant a commission as second lieutenant Company G, Second Regiment Minnesota Volunteer Infantry.

3. On the said January 29, 1865, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company G, Second Regiment Minnesota Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such, April 25, 1865.

4. During the period aforesaid, to wit, from January 29, 1865, to April 25, 1865, this claimant employed no servant not enlisted.

5. During said period this claimant did draw rations from the Government.

6. If the said Frederick Lambrecht should be deemed second lieutenant of Company G, Second Regiment Minnesota Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant to which he would have been entitled had he been mustered for the period from January 29, 1865, to April 24, 1865, would amount to $324.73 (three hundred and twenty-four dollars and seventy-three cents), as reported by the Auditor for the War Department, including $25 advance bounty erroneously deducted.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 281.

FINDINGS IN CASE OF SOLOMON P. BROCKWAY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF SOLOMON P. BROCKWAY AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-6. Solomon P. Brockway v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Augusta, in the State of Virginia.

2. That he, being major Ninth Regiment Michigan Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Michigan as lieutenant-colonel thereof on June 27, 1865; and that from and after said date he assumed and performed all the duties of his said grade until August 9, 1865, when he was mustered out as major; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of lieutenant-colonel during said period.

3. That during said period he was allowed and paid only the pay and allowances of a major, although he was in the continuous performance of the duties of lieutenant-colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Solomon P. Brockway, the claimant in this case, is a citizen of the United States and resident in the county of Augusta, in the State of Virginia.

2. On June 27, 1865, the said Solomon P. Brockway was major Ninth Regiment Michigan Volunteer Cavalry. On that date and until he was mustered out of service, to wit, on August 9, 1865, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The lieutenant-colonel of said Ninth Regiment Michigan Volunteer Cavalry was promoted colonel June 27, 1865, vice Acker, resigned June 27, 1865, and the duties of lieutenant-colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of lieutenant-colonel of said Ninth Regiment Michigan Volunteer Cavalry until August 9, 1865.

The governor of the State of Michigan also issued to this claimant a commission as lieutenant-colonel Ninth Regiment Michigan Volunteer Cavalry.

3. On the said June 27, 1865, the mustering officer then and thereafter refused to muster this claimant as lieutenant-colonel of said Ninth Regiment Michigan Volunteer Cavalry solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of lieutenant-colonel until he was mustered out of the service as major August 9, 1865.

4. If the said Solomon P. Brockway should be deemed lieutenant-colonel Ninth Regiment Michigan Volunteer Cavalry and entitled to the pay of that grade, the difference between his pay and allowances as a major, which he has received, and that of a lieutenant-colonel, to which he would have been entitled had he been mustered for the period from June 27, 1865, to August 9, 1865, would amount to $92.64 (ninety-two dollars and sixty-four cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.
Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 282.

FINDINGS IN CASE OF HENRY L. BIDDLE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HENRY L. BIDDLE AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-7. Henry L. Biddle v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Montgomery, in the State of Ohio.

2. That he, being the first sergeant of Company H, One hundred and tenth Regiment of Ohio Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Ohio as second lieutenant thereof on December 24, 1864, and that from and after said date he assumed and performed all the duties of his said grade until June 30, 1865, when he was mustered out as first sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of ——— during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Henry L. Biddle, the claimant in this case, is a citizen of the United States and resident in the county of Montgomery, in the State of Ohio.

2. On December 24, 1864, the said Henry L. Biddle was first sergeant of Company H, One hundred and tenth Regiment Ohio Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on June 30, 1865, the same was and continued to be below the minimum number prescribed by General Orders No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The second lieutenant of said Company H, One hundred and tenth Regiment Ohio Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company H, One hundred and tenth Regiment Ohio Volunteer Infantry, until June 30, 1865.

The governor of the State of Ohio also issued to this claimant a commission as second lieutenant, Company H, One hundred and tenth Regiment Ohio Volunteer Infantry.

3. On the said December 24, 1864, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company H, One hundred and tenth Regiment Ohio Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered out of the service as first sergeant, June 30, 1865.

4. During the period aforesaid, to wit, from December 24, 1864, to June 30, 1865, this claimant employed no servant not enlisted.

5. During said period this claimant did draw rations from the Government.

6. If the said Henry L. Biddle should be deemed second lieutenant of Company H, One hundred and tenth Regiment Ohio Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant which he has received, and that of a second lieutenant to which he would have been entitled had he been mustered for the period from December 24, 1864, to June 30, 1865, would amount to $362.44 (three hundred and sixty-two dollars and forty-four cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed April 1st, 1907.

A true copy of the findings of fact as filed by the court.
Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 283.

FINDINGS IN CASE OF SARAH E. SMITH AND GEORGE W. BROWNE, HEIRS OF THOMAS M. BROWNE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF SARAH E. SMITH AND GEORGE W. BROWNE, HEIRS OF THOMAS M. BROWNE, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-9.—Sarah E. Smith and George W. Browne, brother and sister and sole heirs of Thomas M. Browne, deceased. *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 1st day of April, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimants in their petition make substantially the following allegations:

1. That they are citizens of the United States and residents of the county of Randolph, in the State of Indiana, and are the brother and sister and sole heirs of Thomas M. Browne, deceased.

2. That said Thomas M. Browne, being the lieutenant-colonel of Seventh Regiment of Indiana Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Indiana as colonel thereof on October 10, 1865; and that from and after said date the said Thomas M. Browne assumed and performed all the duties of his said grade until March 14, 1866, when he was mustered out as lieutenant-colonel; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said Thomas M. Browne was refused muster and recognition in the grade of colonel during said period.

3. That during said period the said Thomas M. Browne was allowed and paid only the pay and allowances of a lieutenant-colonel, although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence, and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Sarah E. Smith and George W. Browne, the claimants of this case, are citizens of the United States and residents of the county of Randolph, in the State of Indiana.

2. On October 10, 1865, Thomas M. Browne was lieutenant-colonel of Seventh Regiment of Indiana Volunteer Cavalry. On that date and until he was mustered out of the service, to wit, on March 14, 1866, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The colonel of said Seventh Regiment Indiana Volunteer Cavalry being then and thereafter out of service in said grade, the duties of colonel devolved upon said Thomas M. Browne, who then and thereafter assumed and performed all the duties of colonel of said Seventh Regiment Indiana Volunteer Cavalry until he was mustered out as lieutenant-colonel, March 14, 1866.

The governor of the State of Indiana also issued to said Thomas M. Browne a commission as colonel Seventh Regiment of Indiana Volunteer Cavalry.

3. On the said October 10, 1865, the mustering officer then and thereafter refused to muster the said Thomas M. Browne as colonel of said Seventh Regiment of Indiana Volunteer Cavalry solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered out of the service as lieutenant-colonel, March 14, 1866.

4. If the said Thomas M. Browne should be deemed colonel of Seventh Regiment of Indiana Volunteer Cavalry and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel, which he has received, and that of a colonel, to which he would have been entitled had he been mustered from the period from October 10, 1865, to March 14, 1866, would amount to $202.84 (two hundred and two dollars and eighty-four cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.
Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 284.

FINDINGS IN CASE OF JOSEPH HINSON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOSEPH HINSON AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-68. Joseph Hinson v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Pierce, in the State of Washington.

2. That he, being the lieutenant-colonel of Thirty-third Regiment of Ohio Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Ohio as colonel thereof on June 26, 1865; and that from and after said date he assumed and performed all the duties of his said grade until July 19, 1865, when he was mustered out as lieutenant-colonel; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of colonel during said period.

3. That during said period he was allowed and paid only the pay and allowances of a lieutenant-colonel although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Joseph Hinson, the claimant in this case, is a citizen of the United States and resident in the county of Pierce, in the State of Washington.

2. On June 26, 1865, the said Joseph Hinson was lieutenant-colonel of Thirty-third Regiment Ohio Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on July 19, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The colonel of said Thirty-third Regiment Ohio Volunteer Infantry being then and thereafter out of service in said grade, the duties of colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of colonel of said Thirty-third Regiment Ohio Volunteer Infantry.

The governor of the State of Ohio also issued to this claimant a commission as colonel Thirty-third Regiment Ohio Volunteer Infantry.

3. On the said June 26, 1865, the mustering officer then and thereafter refused to muster this claimant as colonel of said Thirty-third Regiment Ohio Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered out of the service as lieutenant-colonel, July 19, 1865.

4. If the said Joseph Hinson should be deemed colonel of Thirty-third Regiment Ohio Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel which he has received and that of a colonel to which he would have been entitled had he been mustered for the period from June 26, 1865, to July 19, 1865, would amount to $115.41 (one hundred and fifteen dollars and forty-one cents), as reported by the Auditor for the War Department, including short payment and income tax on remuster.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 285.

FINDINGS IN CASE OF JOHN R. HAMACHER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN R. HAMACHER AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims, Congressional, No. 12169—69. John R. Hamacher v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant, in his petition, makes substantially the following allegations:

1. That he is a citizen of the United States, and resident in the county of Ray, in the State of Missouri.

2. That he, being the captain of Company D, Forty-ninth Regiment of Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as major thereof on September 6, 1865, and that from and after said date he assumed and performed all the duties of his said grade until September 18, 1865, when he was mustered out as captain. Said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of major during said period.

3. That during said period he was allowed and paid only the pay and allowances of a captain, although he was in the continuous performance of the duties of major.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Frederick Lambrecht, the claimant in this case, is a citizen of the United States and resident in the county of Ramsey, in the State of Minnesota.

2. On January 29, 1865, the said Frederick Lambrecht was first sergeant of Company G, Second Regiment Minnesota Volunteer Infantry. On that date and until he was mustered into the service, to wit, on April 25, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The second lieutenant of said Company G, Second Regiment Minnesota Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company G, Second Regiment Minnesota Volunteer Infantry.

The governor of the State of Minnesota also issued to this claimant a commission as second lieutenant Company G, Second Regiment Minnesota Volunteer Infantry.

3. On the said January 29, 1865, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company G, Second Regiment Minnesota Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such, April 25, 1865.

4. During the period aforesaid, to wit, from January 29, 1865, to April 25, 1865, this claimant employed no servant not enlisted.

5. During said period this claimant did draw rations from the Government.

6. If the said Frederick Lambrecht should be deemed second lieutenant of Company G, Second Regiment Minnesota Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant to which he would have been entitled had he been mustered for the period from January 29, 1865, to April 24, 1865, would amount to $324.73 (three hundred and twenty-four dollars and seventy-three cents), as reported by the Auditor for the War Department, including $25 advance bounty erroneously deducted.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 286.

FINDINGS IN CASE OF HIRAM HINES.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HIRAM HINES AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-76. Hiram Hines *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Hamilton, in the State of Indiana.

2. That he, being the first sergeant of Company H, Fifty-seventh Regiment of Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as second lieutenant thereof on June 1, 1865; and that from and after said date he assumed and performed all the duties of his said grade until January 3, 1866, when he was mustered out as first sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Frederick Lambrecht, the claimant in this case, is a citizen of the United States and resident in the county of Ramsey, in the State of Minnesota.

2. On January 29, 1865, the said Frederick Lambrecht was first sergeant of Company G, Second Regiment Minnesota Volunteer Infantry. On that date and until he was mustered into the service, to wit, on April 25, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The second lieutenant of said Company G, Second Regiment Minnesota Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company G, Second Regiment Minnesota Volunteer Infantry.

The governor of the State of Minnesota also issued to this claimant a commission as second lieutenant Company G, Second Regiment Minnesota Volunteer Infantry.

3. On the said January 29, 1865, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company G, Second Regiment Minnesota Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such, April 25, 1865.

4. During the period aforesaid, to wit, from January 29, 1865, to April 25, 1865, this claimant employed no servant not enlisted.

5. During said period this claimant did draw rations from the Government.

6. If the said Frederick Lambrecht should be deemed second lieutenant of Company G, Second Regiment Minnesota Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant to which he would have been entitled had he been mustered for the period from January 29, 1865, to April 24, 1865, would amount to $324.73 (three hundred and twenty-four dollars and seventy-three cents), as reported by the Auditor for the War Department, including $25 advance bounty erroneously deducted.

BY THE COURT.

Filed March 18, 1907.

A true copy of the findings of fact as filed by the court.
Test this 19th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 287.

FINDINGS IN CASE OF JOHANNAH H. HOUPS, WIDOW OF MICHAEL HOUPS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHANNAH H. HOUPS, WIDOW OF MICHAEL HOUPS, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-77. Johannah H. Houps, widow of Michael Houps, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Dubuque, in the State of Iowa, and is the widow of Michael Houps, deceased.

2. That said Michael Houps being the first sergeant of Company E, Twenty-first Regiment Iowa Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Iowa as second lieutenant thereof on February 7, 1865; and that from and after said date the said Michael Houps assumed and performed all the duties of his said grade until July 25, 1865, when he was mustered out as first sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said Michael Houps was refused muster and recognition in the grade of second lieutenant during said period.

FINDINGS OF FACT.

1. Solomon P. Brockway, the claimant in this case, is a citizen of the United States and resident in the county of Augusta, in the State of Virginia.

2. On June 27, 1865, the said Solomon P. Brockway was major Ninth Regiment Michigan Volunteer Cavalry. On that date and until he was mustered out of service, to wit, on August 9, 1865, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The lieutenant-colonel of said Ninth Regiment Michigan Volunteer Cavalry was promoted colonel June 27, 1865, vice Acker, resigned June 27, 1865, and the duties of lieutenant-colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of lieutenant-colonel of said Ninth Regiment Michigan Volunteer Cavalry until August 9, 1865.

The governor of the State of Michigan also issued to this claimant a commission as lieutenant-colonel Ninth Regiment Michigan Volunteer Cavalry.

3. On the said June 27, 1865, the mustering officer then and thereafter refused to muster this claimant as lieutenant-colonel of said Ninth Regiment Michigan Volunteer Cavalry solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of lieutenant-colonel until he was mustered out of the service as major August 9, 1865.

4. If the said Solomon P. Brockway should be deemed lieutenant-colonel Ninth Regiment Michigan Volunteer Cavalry and entitled to the pay of that grade, the difference between his pay and allowances as a major, which he has received, and that of a lieutenant-colonel, to which he would have been entitled had he been mustered for the period from June 27, 1865, to August 9, 1865, would amount to $92.64 (ninety-two dollars and sixty-four cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed April 1, 1907.

A true copy of the findings of fact as filed by the court.
Test this 2d day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 288.

FINDINGS IN CASE OF ANNA CAVANAUGH, HEIR OF JOHN FRYER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ANNA CAVANAUGH, SISTER AND HEIR OF JOHN FRYER, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-53. Anna Cavanaugh, sister and sole heir of John Fryer, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Otsego, in the State of New York, and is the sister and sole heir at law of John Fryer, deceased.

2. That said John Fryer, being the major of Forty-third Regiment of New York Volunteer Infantry, was duly appointed or commissioned by the governor of the State of New York as lieutenant-colonel thereof on February 1, 1864; and that from and after said date the said John Fryer assumed and performed all the duties of his said grade until May 8, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said John Fryer was refused muster and recognition in the grade of lieutenant-colonel during said period.

3. That during said period the said John Fryer was allowed and paid only the pay and allowances of a major, although he was in the continuous performance of the duties of lieutenant-colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Anna Cavanaugh, the claimant of this case, is a citizen of the United States and resident of the county of Otsego, in the State of New York.

2. On February 1, 1864, the said John Fryer was major of Forty-third Regiment of New York Volunteer Infantry. On that date and until he was mustered into the service as lieutenant-colonel, to wit, on May 8, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The lieutenant-colonel of said Forty-third Regiment New York Volunteer Infantry being then and thereafter out of service in said grade, the duties of lieutenant-colonel devolved upon said John Fryer, who then and thereafter assumed and performed all the duties of lieutenant-colonel of said Forty-third Regiment New York Volunteer Infantry until May 8, 1864.

The governor of the State of New York also issued to said John Fryer a commission as lieutenant-colonel Forty-third Regiment of New York Volunteer Infantry.

3. On the said February 1, 1864, the mustering officer then and thereafter refused to muster the said John Fryer as lieutenant-colonel of said Forty-third Regiment of New York Volunteer Infantry solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of lieutenant-colonel until he was mustered into the service as such May 8, 1864.

4. If the said John Fryer should be deemed lieutenant-colonel of Forty-third Regiment of New York Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a major, which he has received, and that of a lieutenant-colonel to which he would have been entitled had be been mustered from the period from February 2, 1864, to May 7, 1864, would amount to $60.80 (sixty dollars and eighty cents) as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 289.

FINDINGS IN CASE OF JOHN W. FOLAND.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN W. FOLAND AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-50. John W. Foland *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Madison, in the State of Indiana.

2. That he, being the first sergeant of Company E, Thirty-fourth Regiment Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as first lieutenant thereof on June 1, 1865, and that from and after said date he assumed and performed all the duties of his said grade until February 20, 1866, when he was mustered out as first sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of first lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of first lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Joseph Hinson, the claimant in this case, is a citizen of the United States and resident in the county of Pierce, in the State of Washington.

2. On June 26, 1865, the said Joseph Hinson was lieutenant-colonel of Thirty-third Regiment Ohio Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on July 19, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The colonel of said Thirty-third Regiment Ohio Volunteer Infantry being then and thereafter out of service in said grade the duties of colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of colonel of said Thirty-third Regiment Ohio Volunteer Infantry.

The governor of the State of Ohio also issued to this claimant a commission as colonel Thirty-third Regiment Ohio Volunteer Infantry.

3. On the said June 26, 1865, the mustering officer then and thereafter refused to muster this claimant as colonel of said Thirty-third Regiment Ohio Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered out of the service as lieutenant-colonel, July 19, 1865.

4. If the said Joseph Hinson should be deemed colonel of Thirty-third Regiment Ohio Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel which he has received and that of a colonel to which he would have been entitled had he been mustered for the period from June 26, 1865, to July 19, 1865, would amount to $115.41 (one hundred and fifteen dollars and forty-one cents), as reported by the Auditor for the War Department, including short payment and income tax on remuster.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 285.

FINDINGS IN CASE OF JOHN R. HAMACHER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN R. HAMACHER AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims, Congressional, No. 12169—69. John R. Hamacher v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant, in his petition, makes substantially the following allegations:

1. That he is a citizen of the United States, and resident in the county of Ray, in the State of Missouri.

2. That he, being the captain of Company D, Forty-ninth Regiment of Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as major thereof on September 6, 1865, and that from and after said date he assumed and performed all the duties of his said grade until September 18, 1865, when he was mustered out as captain. Said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of major during said period.

3. That during said period he was allowed and paid only the pay and allowances of a captain, although he was in the continuous performance of the duties of major.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. John R. Hamacher, the claimant in this case, is a citizen of the United States and resident in the county of Ray, in the State of Missouri.

2. On September 6, 1865, the said John R. Hamacher was captain of Company D, Forty-ninth Regiment Indiana Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on September 18, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The major of said Forty-ninth Regiment Indiana Volunteer Infantry being then and thereafter out of service in said grade, the duties of major devolved upon this claimant. who then and thereafter assumed and performed all the duties of major of said Forty-ninth Regiment Indiana Volunteer Infantry.

The governor of the State of Indiana also issued to this claimant a commission as major, Forty-ninth Regiment Indiana Volunteer Infantry.

3. On the said September 6, 1865, the mustering officer then and thereafter refused to muster this claimant as major of said Forty-ninth Regiment Indiana Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of major until he was mustered out of the service as captain, September 18, 1865.

4. If the said John R. Hamacher should be deemed major, Forty-ninth Regiment Indiana Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a captain which he has received, and that of a major to which he would have been entitled had he been mustered for the period from September 6, 1865, to September 18, 1865, would amount to $42.38 (forty-two dollars and thirty-eight cents), as reported by the Auditor for the War Department, including $4.86 erroneously stopped for income tax on remuster.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 286.

FINDINGS IN CASE OF HIRAM HINES.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HIRAM HINES AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-76. Hiram Hines v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Hamilton, in the State of Indiana.

2. That he, being the first sergeant of Company H, Fifty-seventh Regiment of Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as second lieutenant thereof on June 1, 1865; and that from and after said date he assumed and performed all the duties of his said grade until January 3, 1866, when he was mustered out as first sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. John R. Hamacher, the claimant in this case, is a citizen of the United States and resident in the county of Ray, in the State of Missouri.

2. On September 6, 1865, the said John R. Hamacher was captain of Company D, Forty-ninth Regiment Indiana Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on September 18, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The major of said Forty-ninth Regiment Indiana Volunteer Infantry being then and thereafter out of service in said grade, the duties of major devolved upon this claimant, who then and thereafter assumed and performed all the duties of major of said Forty-ninth Regiment Indiana Volunteer Infantry.

The governor of the State of Indiana also issued to this claimant a commission as major, Forty-ninth Regiment Indiana Volunteer Infantry.

3. On the said September 6, 1865, the mustering officer then and thereafter refused to muster this claimant as major of said Forty-ninth Regiment Indiana Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of major until he was mustered out of the service as captain, September 18, 1865.

4. If the said John R. Hamacher should be deemed major, Forty-ninth Regiment Indiana Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a captain which he has received, and that of a major to which he would have been entitled had he been mustered for the period from September 6, 1865, to September 18, 1865, would amount to $42.38 (forty-two dollars and thirty-eight cents), as reported by the Auditor for the War Department, including $4.86 erroneously stopped for income tax on remuster.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 287.

FINDINGS IN CASE OF JOHANNAH H. HOUPS, WIDOW OF MICHAEL HOUPS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHANNAH H. HOUPS, WIDOW OF MICHAEL HOUPS, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-77. Johannah H. Houps, widow of Michael Houps, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Dubuque, in the State of Iowa, and is the widow of Michael Houps, deceased.

2. That said Michael Houps being the first sergeant of Company E, Twenty-first Regiment Iowa Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Iowa as second lieutenant thereof on February 7, 1865; and that from and after said date the said Michael Houps assumed and performed all the duties of his said grade until July 25, 1865, when he was mustered out as first sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said Michael Houps was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period the said Michael Houps was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Johanna H. Houps, widow of Michael Houps, deceased, the claimant of this case, is a citizen of the United States and resident of the county of Dubuque, in the State of Iowa.

2. On February 7, 1865, Michael Houps was first sergeant of Company E, Twenty-first Regiment Iowa Volunteer Infantry. On that date and until he was mustered out of service, to wit, on July 25, 1865 the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The second lieutenant of said Company E, Twenty-first Regiment Iowa Volunteer Infantry being then and thereafter out of service of said grade, the duties of second lieutenant devolved upon said Michael Houps, who then and thereafter assumed and performed all the duties of second lieutenant of said Company E, Twenty-first Regiment Iowa Volunteer Infantry.

The governor of the State of Iowa also issued to said Michael Houps a commission as second lieutenant, Company E, Twenty-first Regiment Iowa Volunteer Infantry.

3. On the said February 7, 1865, the mustering officer then and thereafter refused to muster the said Micheal Houps as second lieutenant of said Company E, Twenty-first Regiment Iowa Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered out of the service as first sergeant, July 25, 1865.

4. If the said Michael Houps should be deemed second lieutenant of Company E, Twenty-first Regiment Iowa Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant to which he would have been entitled had he been mustered from the period from February 8, 1865, to July 25, 1865, would amount to $442.74 (four hundred and forty-two dollars and seventy-four cents), as reported by the Auditor for the War Department. Servant's pay not considered.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 288.

FINDINGS IN CASE OF ANNA CAVANAUGH, HEIR OF JOHN FRYER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ANNA CAVANAUGH, SISTER AND HEIR OF JOHN FRYER, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-53. Anna Cavanaugh, sister and sole heir of John Fryer, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Otsego, in the State of New York, and is the sister and sole heir at law of John Fryer, deceased.

2. That said John Fryer, being the major of Forty-third Regiment of New York Volunteer Infantry, was duly appointed or commissioned by the governor of the State of New York as lieutenant-colonel thereof on February 1, 1864; and that from and after said date the said John Fryer assumed and performed all the duties of his said grade until May 8, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said John Fryer was refused muster and recognition in the grade of lieutenant-colonel during said period.

3. That during said period the said John Fryer was allowed and paid only the pay and allowances of a major, although he was in the continuous performance of the duties of lieutenant-colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Anna Cavanaugh, the claimant of this case, is a citizen of the United States and resident of the county of Otsego, in the State of New York.

2. On February 1, 1864, the said John Fryer was major of Forty-third Regiment of New York Volunteer Infantry. On that date and until he was mustered into the service as lieutenant-colonel, to wit, on May 8, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The lieutenant-colonel of said Forty-third Regiment New York Volunteer Infantry being then and thereafter out of service in said grade, the duties of lieutenant-colonel devolved upon said John Fryer, who then and thereafter assumed and performed all the duties of lieutenant-colonel of said Forty-third Regiment New York Volunteer Infantry until May 8, 1864.

The governor of the State of New York also issued to said John Fryer a commission as lieutenant-colonel Forty-third Regiment of New York Volunteer Infantry.

3. On the said February 1, 1864, the mustering officer then and thereafter refused to muster the said John Fryer as lieutenant-colonel of said Forty-third Regiment of New York Volunteer Infantry solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of lieutenant-colonel until he was mustered into the service as such May 8, 1864.

4. If the said John Fryer should be deemed lieutenant-colonel of Forty-third Regiment of New York Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a major, which he has received, and that of a lieutenant-colonel to which he would have been entitled had be been mustered from the period from February 2, 1864, to May 7, 1864, would amount to $60.80 (sixty dollars and eighty cents) as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 289.

FINDINGS IN CASE OF JOHN W. FOLAND.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN W. FOLAND AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-50. John W. Foland v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Madison, in the State of Indiana.

2. That he, being the first sergeant of Company E, Thirty-fourth Regiment Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as first lieutenant thereof on June 1, 1865, and that from and after said date he assumed and performed all the duties of his said grade until February 20, 1866, when he was mustered out as first sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of first lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of first lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. John W. Foland, the claimant in this case, is a citizen of the United States and resident in the county of Madison, in the State of Indiana.

2. On June 1, 1865. the said John W. Foland was first sergeant of company E, Thirty-fourth Regiment Indiana Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on February 20, 1866, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The first lieutenant of said Company E, Thirty-fourth Regiment Indiana Volunteer Infantry, being then and thereafter out of service in said grade, the duties of first lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of first lieutenant of said Company E, Thirty-fourth Regiment Indiana Volunteer Infantry.

The governor of the State of Indiana also issued to this claimant a commission as first lieutenant, Company E, Thirty-fourth Regiment Indiana Volunteer Infantry.

3. On the said June 1, 1865, the mustering officer then and thereafter refused to muster this claimant as first lieutenant of said Company E, Thirty-fourth Regiment Indiana Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of first lieutenant until he was mustered out of the service as first sergeant, February 20, 1866.

4. During the period aforesaid, to wit, from June 1, 1865, to February 20, 1866, this claimant employed no servant not enlisted.

5. During said period this claimant did draw rations from the Government.

6. If the said John W. Foland should be deemed first lieutenant of Company E, Thirty-fourth Regiment Indiana Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a first lieutenant, to which he would have been entitled had he been mustered for the period from June 1, 1865, to February 20, 1866, would amount to $477.04 (four hundred and seventy-seven dollars and four cents), as reported by the Auditor for the War Department

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 290.

FINDINGS IN CASE OF ELLA L. DEWEESE, WIDOW OF JOHN T. DEWEESE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ELLA L. DEWEESE, WIDOW OF JOHN T. DEWEESE, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-40. Ella L. Deweese, widow of John T. Deweese, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the city of Washington, in the District of Columbia, and is the widow of John T. Deweese. deceased.

2. That said John T. Deweese, being the lieutenant-colonel of Fourth Regiment of Indiana Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Indiana as colonel thereof on September 10. 1863; and that from and after said date the said colonel assumed and performed all the duties of his said grade until March 11. 1864, when he was mustered out as lieutenant-colonel; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said John T. Deweese was refused muster and recognition in the grade of colonel during said period.

3. That during said period the said John T. Deweese was allowed and paid only the pay and allowances of a lieutenant-colonel, although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Ella L. Deweese, the claimant of this case, is a citizen of the United States and resident of the city of Washington, in the District of Columbia.

2. On September 10, 1863, John T. Deweese was lieutenant-colonel of Fourth Regiment of Indiana Volunteer Cavalry. On that date and until he was mustered out of the service, to wit, on March 11, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The colonel of said Fourth Regiment Indiana Volunteer Cavalry being then and thereafter out of service in said grade, the duties of colonel devolved upon said John T. Deweese, who then and thereafter assumed and performed all the duties of colonel of said Fourth Regiment Indiana Volunteer Cavalry.

The governor of the State of Indiana also issued to said John T. Deweese a commission as colonel Fourth Regiment of Indiana Volunteer Cavalry.

3. On the said September 10, 1863, the mustering officer then and thereafter refused to muster the said John T. Deweese as colonel of said Fourth Regiment of Indiana Volunteer Cavalry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered out of the service as lieutenant-colonel, March 11, 1864.

4. If the said John T. Deweese should be deemed colonel of Fourth Regiment of Indiana Volunteer Cavalry, and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel which he has received, and that of a colonel, to which he would have been entitled had he been mustered from the period from September 11, 1863, to March 11, 1864, would amount to $155.09 (one hundred and fifty-five dollars and nine cents) without any deduction for income tax, as reported by the Auditor for the War Department, including short payments of $9.67.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 291.

FINDINGS IN CASE OF JOSEPHINE CAMPBELL, WIDOW OF GEORGE CAMPBELL.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOSEPHINE CAMPBELL, WIDOW OF GEORGE CAMPBELL, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-31. Josephine Campbell, widow of George Campbell, deceased. *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 11th day of March, 1906.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Rensselaer in the State of New York, and is the widow of George Campbell, deceased.

2. That said George Campbell being the first sergeant of Company A, One hundred and sixty-ninth Regiment New York Volunteer Infantry, was duly appointed or commissioned by the governor of the State of New York as second lieutenant thereof on January 16, 1865, and that from and after said date the said George Campbell assumed and performed all the duties of his said grade until March 16, 1865, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said George

Campbell was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period the said George Campbell was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Josephine Campbell, the claimant of this case, is a citizen of the United States and resident of the county of Rensselaer in the State of New York.

On January 16, 1865, George Campbell was first sergeant of Company A, One hundred and sixty-ninth Regiment New York Volunteer Infantry. On that date and until he was mustered into service, to wit, on March 16, 1865, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The second lieutenant of said Company A, One hundred and sixty-ninth Regiment New York Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon said George Campbell, who then and thereafter assumed and performed all the duties of second lieutenant of said Company A, One hundred and sixty-ninth Regiment New York Volunteer Infantry until muster out, August 4, 1865.

The governor of the State of New York also issued to said George Campbell a commission as second lieutenant Company A, One hundred and sixty-ninth Regiment New York Volunteer Infantry.

3. On the said January 16, 1865, the mustering officer then and thereafter refused to muster the said George Campbell as second lieutenant of said Company A, One hundred and sixty-ninth Regiment New York Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such March 16, 1865.

4. If the said George Campbell should be deemed second lieutenant of Company A, One hundred and sixty-ninth regiment New York Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant which he has received, and that of a second lieutenant without servant to which he would have been entitled had he been mustered from the period from January 17, 1865, to March 15, 1865, would amount to $272.14 (two hundred and seventy-two dollars and fourteen cents), as reported by the Auditor for the War Department, including $50, bounty act of July 28, 1866.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 292.

FINDINGS IN CASE OF AMANDA W. CLANCY, WIDOW OF CHARLES W. CLANCY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF AMANDA W. CLANCY, WIDOW OF CHARLES W. CLANCY, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-24. Amanda W. Clancy, widow of Charles W. Clancy, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Jefferson, in the State of Ohio, and is the widow of Charles W. Clancy, deceased.

2. That said Charles W. Clancy, being lieutenant-colonel Fifty-second Regiment Ohio Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Ohio as colonel thereof to fill a vacancy caused July 17, 1864, by death; and that from and after said date the said Charles W. Clancy assumed and performed all the duties of his said grade until June 20, 1865, when he was mustered out as lieutenant-colonel; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said Charles W. Clancy was refused muster and recognition in the grade of colonel during said period.

3. That during said period the said Charles W. Clancy was allowed and paid only the pay and allowances of a lieutenant-colonel, although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence, and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Amanda W. Clancy, the claimant of this case, is a citizen of the United States and resident of the county of Jefferson, in the State of Ohio.

2. On July 18, 1864, Charles W. Clancy was lieutenant-colonel Fifty-second Regiment Ohio Volunteer Infantry. On that date and until he was mustered out of service, to wit, on June 20, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the Act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The colonel of said Fifty-second Regiment Ohio Volunteers died July 17, 1864, and being then and thereafter out of service in said grade, the duties of colonel devolved upon said Charles W. Clancy, who then and thereafter assumed and performed all the duties of colonel of said Fifty-second Regiment Ohio Volunteer Infantry.

The governor of the State of Ohio also issued to said Charles W. Clancy a commission as colonel of Fifty-second Regiment Ohio Volunteer Infantry.

3. On the said July 18, 1864, the mustering officer then and thereafter refused to muster the said Charles W. Clancy as colonel of said Fifty-second Regiment Ohio Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered out of the service as lieutenant-colonel.

4. If the said Charles W. Clancy should be deemed colonel of Fifty-second Regiment Ohio Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel which he has received and that of a colonel to which he would have been entitled had he been mustered from the period from July 18, 1864, to June 20, 1865, would amount to three hundred and seventy-four dollars and eighty-eight cents ($374.88), as reported by the Auditor for the War Department, including a short payment of $32 as captain from August 1, 1862, and $1.35 income tax on remuster.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 293.

FINDINGS IN CASE OF HIRAM ATKINSON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HIRAM ATKINSON AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-1. Hiram Atkinson v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Fremont, in the State of Iowa.

2. That he, being the first sergeant of Company E, Twenty-ninth Regiment of Iowa Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Iowa as second lieutenant thereof on May 16, 1864; and that from and after said date he assumed and performed all the duties of his said grade until July 2, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence, and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Hiram Atkinson, the claimant in this case, is a citizen of the United States and resident in the county of Fremont, in the State of Iowa.

2. On May 16, 1864, the said Hiram Atkinson was first sergeant of Company E, Twenty-ninth Regiment Iowa Volunteer Infantry. On that date and until he was mustered into the service, to wit, on July 2, 1864, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The second lieutenant of said Company E, Twenty-ninth Regiment Iowa Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company E, Twenty-ninth Regiment Iowa Volunteer Infantry.

The governor of the State of Iowa also issued to this claimant a commission as second lieutenant, Company E, Twenty-ninth Regiment Iowa Volunteer Infantry,

3. On the said May 16, 1864, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company E, Twenty-ninth Regiment Iowa Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such July 2, 1864.

4. If the said Hiram Atkinson should be deemed second lieutenant of Company E, Twenty-ninth Regiment Iowa Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered for the period from May 16, 1864, to July 2, 1864, would amount to $64.59 (sixty-four dollars and fifty-nine cents), as reported by the Auditor for the War Department. Item for servant's pay is not considered. If satisfactory proof as to that item is presented, then $34.80 additional is due.

BY THE COURT.

Filed March 11, 1907

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 294.

FINDINGS IN CASE OF NANCY J. GILLELAND, WIDOW OF JOHN PAUL JONES.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF NANCY J. GILLELAND, WIDOW OF JOHN PAUL JONES, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 10686. Nancy J. Gilleland, widow (remarried) of John Paul Jones, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Madison, in the State of Iowa, and the widow (remarried) of John Paul Jones, deceased.

2. That said decedent, being first sergeant, Company A, Thirty-ninth Regiment Iowa Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Iowa as second lieutenant thereof on May 6, 1864; and that from and after said date the said decedent assumed and performed all the duties of his said grade until October 5, 1864, when he was killed in action; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said decedent was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period the said decedent was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Nancy J. Gilleland, widow (remarried) of John Paul Jones, deceased, the claimant in this case, is a citizen of the United States and resident of the county of Madison, in the State of Iowa.

2. On May 6, 1864, John Paul Jones was first sergeant, Company A, Thirty-ninth Regiment Iowa Volunteer Infantry. On that date and until he was killed in action, to wit, on October 5, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734).

The second lieutenant of said Company A, Thirty-ninth Regiment Iowa Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon said decedent, who then and thereafter assumed and performed all the duties of second lieutenant of said Company A, Thirty-ninth Regiment Iowa Volunteer Infantry, until killed in action, as aforesaid.

The governor of the State of Iowa also issued to said decedent a commission as second lieutenant Company A, Thirty-ninth Regiment of Iowa Volunteer Infantry.

3. On the said May 6, 1864, the mustering officer then and thereafter refused to muster the said decedent as second lieutenant of said Company A, Thirty-ninth Regiment Iowa Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was killed in action, as aforesaid.

4. During the period aforesaid, to wit, from May 6, 1864, to October 5, 1864, the said decedent employed no servant not enlisted.

5. During said period the said decedent did draw rations from the Government.

6. If the said decedent should be deemed second lieutenant of Company A, Thirty-ninth Regiment Iowa Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered from the period from May 6, 1864, to October 5, 1864, would amount to $173.13 (without any deduction for income tax), as reported by the Auditor for the War Department.

7. Income tax, if to be deducted, would amount to $8.84, leaving a balance of one hundred and sixty-four dollars and twenty-nine cents ($164.29).

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 295.

FINDINGS IN CASE OF MARTIN V. B. SHEAFOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF MARTIN V B. SHEAFOR AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE.
Washington, December 5, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-176. Martin V. B. Sheafor *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Cloud, in the State of Kansas.

2. That he, being the sergeant of Company M, Fourth Regiment of Iowa Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Iowa as second lieutenant thereof on January 19, 1864; and that from and after said date he assumed and performed all the duties of his said grade until March 20, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Martin V. B. Sheafor, the claimant in this case, is a citizen of the United States and resident in the county of Cloud, in the State of Kansas.

2. On January 19, 1864, the said Martin V. B. Sheafor was sergeant of Company M, Fourth Regiment Iowa Volunteer Cavalry. On that date and until he was mustered into the service, to wit, on March 20, 1864, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The second lieutenant of said Company M, Fourth Regiment Iowa Volunteer Cavalry being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company M, Fourth Regiment Iowa Volunteer Cavalry.

The governor of the State of Iowa also issued to this claimant a commission as second lieutenant, Company M, Fourth Regiment Iowa Volunteer Cavalry.

3. On the said January 19, 1864, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company M, Fourth Regiment Iowa Volunteer Cavalry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such March 20, 1864.

4. If the said Martin V. B. Sheafor should be deemed second lieutenant of Company M, Fourth Regiment Iowa Volunteer Cavalry, and entitled to the pay of that grade, the difference between his pay and allowances as a sergeant, which he has received, and that of a second lieutenant without servant, to which he would have been entitled had he been mustered for the period from January 19, 1864, to March 19, 1864, would amount to $152.76 (one hundred and fifty-two dollars and seventy-six cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 296.

FINDINGS IN CASE OF NANNIE L. SCHMITT, WIDOW OF WILLIAM A. SCHMITT.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF NANNIE L. SCHMITT, WIDOW OF WILLIAM A SCHMITT, DECEASED, AGAINST THE UNITED STATES

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 5, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-154. Nannie L. Schmitt, widow of William A. Schmitt, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Cook, in the State of Illinois, and is the widow of William A. Schmitt, deceased.

2. That said William A. Schmitt, being the lieutenant-colonel of Twenty-seventh Regiment of Illinois Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Illinois as colonel thereof on April 28, 1864, and that from and after said date the said William A. Schmitt assumed and performed all the duties of his said grade until September 20, 1864, when he was mustered out as lieutenant-colonel; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said William A. Schmitt was refused muster and recognition in the grade of colonel during said period.

3. That during said period the said William A. Schmitt was allowed and paid only the pay and allowances of a lieutenant-colonel, although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Nannie L. Schmitt, widow of William A. Schmitt, deceased, the claimant of this case, is a citizen of the United States and resident of the county of Cook, in the State of Illinois.

2. On April 28, 1864, William A. Schmitt was lieutenant-colonel Twenty-seventh Regiment of Illinois Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on September 20, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The colonel of said Twenty-seventh Regiment Illinois Volunteer Infantry being then and thereafter out of service in said grade, the duties of colonel devolved upon said William A. Schmitt, who then and thereafter assumed and performed all the duties of colonel of said Twenty-seventh Regiment Illinois Volunteer Infantry.

The governor of the State of Illinois also issued to said William A. Schmitt a commission as colonel, Twenty-seventh Regiment of Illinois Volunteer Infantry.

3. On the said April 28, 1864, the mustering officer then and thereafter refused to muster the said William A. Schmitt as colonel of said Twenty-seventh Regiment of Illinois Volunteer Infantry solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered out of the service as lieutenant-colonel September 20, 1864.

4. If the said William A. Schmitt should be deemed colonel Twenty-seventh Regiment of Illinois Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel, which he has received, and that of a colonel, to which he would have been entitled had he been mustered from the period from April 28, 1864, to September 20, 1864, would amount to $129.25 (one hundred and twenty-nine dollars and twenty-five cents), as reported by the Auditor for the War Department, including short payments aggregating $6.72.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 18th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 297.

FINDINGS IN CASE OF HENRY GREEN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HENRY GREEN AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 5, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-57. Henry Green v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Clay, in the State of Iowa.

2. That he being the first sergeant of Company F, Forty-ninth Regiment of Wisconsin Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Wisconsin as second lieutenant thereof on October 11, 1865, and that from and after said date he assumed and performed all the duties of his said grade until November 14, 1865, when he was mustered out as first sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Henry Green, the claimant in this case, is a citizen of the United States and resident in the county of Clay, in the State of Iowa.

2. On October 11, 1865, the said Henry Green was first sergeant of Company F, Forty-ninth Regiment Wisconsin Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on November 14, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The second lieutenant of said Company F, Forty-ninth Regiment Wisconsin Volunteer Infantry being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company F, Forty-ninth Regiment Wisconsin Volunteer Infantry.

The governor of the State of Wisconsin also issued to this claimant a commission as second lieutenant Company F, Forty-ninth Regiment Wisconsin Volunteer Infantry.

3. On the said October 11, 1865, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company F, Forty-ninth Regiment Wisconsin Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered out of the service as first sergeant November 14, 1865.

4. If the said Henry Green should be deemed second lieutenant of Company F, Forty-ninth Regiment Wisconsin Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered for the period from October 11, 1865, to November 14, 1865, would amount to $83.81 (eighty-three dollars and eighty-one cents), as reported by the Auditor for the War Department. Servant's pay not considered.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 298.

FINDINGS IN CASE OF WILLIAM T. GLENN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF WILLIAM T. GLENN AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December, 5, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-55. William T. Glenn v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 11th day of March, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Cook in the State of Illinois.

2. That he, being the first sergeant of Company G, Thirty-first Regiment of Indiana Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Indiana as second lieutenant thereof on June 1, 1865, and that from and after said date he assumed and performed all the duties of his said grade until January 9, 1866, when he was mustered out as first sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason and no other he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. William T. Glenn, the claimant in this case, is a citizen of the United States and resident in the county of Cook in the State of Illinois.

2. On June 1, 1865, the said William T. Glenn was first sergeant of Company G, Thirty-first Regiment Indiana Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on January 9, 1866, the same was and continued to be below the minimum number prescribed by General Orders No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The second lieutenant of said Company G, Thirty-first Regiment Indiana Volunteer Infantry being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company G, Thirty-first Regiment Indiana Volunteer Infantry until January 9, 1866.

The governor of the State of Indiana also issued to this claimant a commission as second lieutenant, Company G, Thirty-first Regiment Indiana Volunteer Infantry.

3. On the said June 1, 1865, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company G, Thirty-first Regiment Indiana Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered out of the service as first sergeant, January 9, 1866.

4. During the period aforesaid, to wit, from June 1, 1865, to January 9, 1866, this claimant employed no private servant, not enlisted.

5. During said period this claimant did draw rations from the Government.

6. If the said William T. Glenn should be deemed second lieutenant of Company G, Thirty-first Regiment Indiana Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered for the period from June 1, 1865, to January 9, 1866, would amount to $334.75 (three hundred and thirty-four dollars and seventy-five cents), without any deduction for income tax, as reported by the Auditor for the War Department.

BY THE COURT.

Filed March 11, 1907.

A true copy of the findings of fact as filed by the court.
Test this 13th day of March, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 299.

FINDINGS IN CASE OF ELIZA J. HOUSTON, WIDOW OF JOHN HOUSTON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ELIZA J. HOUSTON, WIDOW OF JOHN HOUSTON, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional No. 12169-75. Eliza J. Houston, widow of John Houston, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 22d day of April, 1907.

Messrs. Pennebaker & Jones appeared for the claimant and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Indiana, in the State of Pennsylvania, and is the widow of John Houston, deceased.

2. That said John Houston, being the commissary-sergeant of the Fifty-fifth Regiment of Pennsylvania Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Pennsylvania as second lieutenant Company F, thereof, on December 30, 1863; and that from and after said date the said second lieutenant assumed and performed all the duties of his said grade until April 6, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said John Houston was refused muster and recognition in the grade of second liuetenant during said period.

3. That during said period the said John Houston was allowed and paid only the pay and allowances of a commissary-sergeant although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence, and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Eliza J. Houston, the claimant of this case, is a citizen of the United States and resident of the county of Indiana in the State of Pennsylvania.

2. On December 30, 1863, John Houston was commissary-sergeant of the Fifty-fifth Regiment of Pennsylvania Volunteer Infantry. On that date and until he was mustered into the service as second lieutenant, to wit, on April 6, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The second lieutenant of said Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved said John Houston, who then and thereafter assumed and performed all the duties of second lieutenant of said Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry.

The governor of the State of Pennsylvania also issued to said John Houston a commission as second lieutenant Company F, Fifty-fifth Regiment of Pennsylvania Volunteer Infantry.

3. On the said December 30, 1863, the mustering officer then and thereafter refused to muster the said John Houston as second lieutenant of said Company F, Fifty-fifth Regiment of Pennsylvania Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such April 6, 1864.

4. If the said John Houston should be deemed second lieutenant of Company F, Fifty-fifth Regiment of Pennsylvania Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a commissary-sergeant, which he has received, and that of a second lieutenant to which he would have been entitled had he been mustered, from the period from December 30, 1863, to April 5, 1864, would amount to $136.78 (one hundred and thirty-six dollars and seventy-eight cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed April 22, 1907.

A true copy of the findings of fact as filed by the court.
Test this 24th day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 300.

FINDINGS IN CASE OF JOHN E. MULLALY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN E. MULLALY AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12640-21. John E. Mullaly v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 16th day of June, 1906. The case was brought to a hearing on its merits on the 22d day of April, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Cook, in the State of Illinois.

2. That he, being the first lieutenant of Company F, Seventeenth Regiment of Massachusetts Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Massachusetts as captain thereof on December 29, 1863, and that from and after said date he assumed and performed all the duties of his said grade until May 13, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of captain during said period. He was in like manner duly appointed major June 16, 1865, but was refused muster for same reason.

3. That during said period he was allowed and paid only the pay and allowances of a first lieutenant and captain, although he was in the continuous performance of the duties of captain and major.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. John E. Mullaly, the claimant in this case, is a citizen of the United States and resident in the county of Cook, in the State of Illinois.

2. On December 29, 1863, the said John E. Mullaly was first lieutenant of Company F, Seventeenth Regiment Massachusetts Volunteer Infantry. On that date and until he was mustered into the service, to wit, on May 13, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.) He was appointed major of said regiment June 16, 1865, but refused muster for same reason.

The captain and major of said Seventeenth Regiment Massachusetts Volunteer Infantry being then and thereafter out of service in said grade, the duties of captain from December 29, 1863, and major after June 16, 1865, devolved upon this claimant, who then and thereafter assumed and performed all the duties of said grades of Seventeenth Regiment Massachusetts Volunteer Infantry.

The governor of the State of Massachusetts also issued to this claimant a commission as captain, Company F, and major Seventeenth Regiment Massachusetts Volunteer Infantry.

3. On the said December 29, 1863, and June 16, 1865, the mustering officer then and thereafter refused to muster this claimant as captain or major of Seventeenth Regiment Massachusetts Volunteer Infantry solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of captain and major until he was mustered in as captain on May 13, 1864, and mustered out as such July 28, 1855.

4. If the said John E. Mullaly should be deemed captain, Seventeenth Massachusetts Infantry, from December 29, 1863, and major of said regiment from June 16, 1865, and entitled to the pay of those grades, the difference between his pay and allowances as a first lieutenant and captain, which he has received, and that of a captain and major, to which he would have been entitled had be been mustered for the period from December 29, 1863, to July 28, 1865, would amount to $99.30 (ninety-nine dollars and thirty cents), as reported by the Auditor for the War Department, including a short payment of $24.63.

BY THE COURT.

Filed April 22, 1907.

A true copy of the findings of fact as filed by the court.
Test this 24th day of April, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 301.

FINDINGS IN CASE OF MIRIAM F. MUNDAY, WIDOW OF JESSE S. MUNDAY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF MIRIAM F. MUNDAY, WIDOW OF JESSE S. MUNDAY, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-117. Miriam F. Munday, widow of Jesse S. Munday, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 13th day of May, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Mercer, in the State of Kentucky, and is the widow of Jesse S. Munday, deceased.

2. That said Jesse S. Munday, being the sergeant of Company D, Sixth Regiment Kentucky Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Kentucky as second lieutenant thereof on December 31, 1864, and that from and after said date the said Jesse S. Munday assumed and performed all the duties of his said grade until July 1, 1865, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said Jesse S. Munday was refused muster and recognition in the grade of second lieutenant during said period.

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l the court makes the following

FINDINGS OF FACT.

1. Miriam F. Munday, the claimant of this case, is a citizen of the United States and resident of the county of Mercer, in the State of Kentucky.

2. On December 30, 1864, Jesse S. Munday was sergeant of Company D, Sixth Regiment of Kentucky Volunteer Cavalry. On that date and until he was mustered into the service—to wit, on July 1, 1865—the same was and continued to be below the minimum number prescribed by General Order No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734.)

The second lieutenant of said Company D, Sixth Regiment Kentucky Volunteer Cavalry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon said Jesse S. Munday, who then and thereafter assumed and performed all the duties of second lieutenant of said Company D, Sixth Regiment Kentucky Volunteer Cavalry, until July 1, 1865, when he was mustered in as such.

The governor of the State of Kentucky also issued to said Jesse S. Munday a commission as second lieutenant, Company D, Sixth Regiment of Kentucky Volunteer Cavalry.

3. On the said December 30, 1864, the mustering officer then and thereafter refused to muster the said Jesse S. Munday as second lieutenant of said Company D, Sixth Regiment of Kentucky Volunteer Cavalry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such, July 1, 1865.

4. If the said Jesse S. Munday should be deemed second lieutenant of Company D, Sixth Regiment of Kentucky Volunteer Cavalry, and entitled to the pay of that grade, the difference between his pay and allowances as a sergeant, which he has received, and that of a second lieutenant, without servant, to which he would have been entitled had he been mustered from the period from December 30, 1864, to June 30, 1865, would amount to $501.86 (five hundred and one dollars and eighty-six cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed May 13, 1907.

A true copy of the findings of fact as filed by the court.
Test this 16th day of May, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 302.

FINDINGS IN CASE OF BENJAMIN F. HASSON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF BENJAMIN F. HASSON AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-82. Benjamin F. Hasson v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 13th day of May, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by James A. Tanner, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the city of Washington, in the District of Columbia.

2. That he, being a private of Company F, Twenty-second Regiment of Pennsylvania Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Pennsylvania as second lieutenant thereof on May 11, 1864, and that from and after said date he assumed and performed all the duties of his said grade until September 7, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason and no other he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a private, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

1. Benjamin F. Hasson, the claimant in this case, is a citizen of the United States and resident in the city of Washington, in the District of Columbia.

2. On May 11, 1864, the said Benjamin F. Hasson was private of Company F, Twenty-second Regiment Pennsylvania Volunteer Cavalry. It does not appear from the evidence that on that date and until he was mustered into the service, to wit, on September 7, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

George T. Hammond, the second lieutenant of said Company F, Twenty-second Regiment Pennsylvania Volunteer Cavalry, was dismissed from the service September 21, 1863, while a prisoner of war on the charge of desertion to the enemy, and the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company F, Twenty-second Regiment Pennsylvania Volunteer Cavalry, until September 7, 1864, when he was mustered in as such. The order dismissing said Lieut. George T. Hammond was subsequently revoked, and he was honorably discharged from the service, to date, November 29, 1864.

The governor of the State of Pennsylvania also issued to this claimant a commission as second lieutenant, Company F, Twenty-second Regiment Pennsylvania Volunteer Cavalry.

3. On the said May 11, 1864, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company F, Twenty-second Regiment Pennsylvania Volunteer Cavalry, although he continued to perform the duties of private until he was mustered into the service as second lieutenant, September 7, 1864.

4. During the period aforesaid, to wit, from May 11, 1864, to September 7, 1864, this claimant employed one private servant, not enlisted.

5. During said period this claimant did not draw rations from the Government.

6. If the said Benjamin F. Hasson should be deemed second lieutenant of Company F, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and entitled to the pay of that grade, the difference between his pay and allowances as a private, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered for the period from May 11, 1864, to September 6, 1864, would amount to $365.39 (three hundred and sixty-five dollars and thirty-nine cents), as reported by the Auditor for the War Department.

BY THE COURT.

Filed May 13, 1907.

A true copy of the findings of fact as filed by the court.
Test this 16th day of May, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 303.

FINDINGS IN CASE OF LUCIUS V. S. MATTISON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF LUCIUS V. S. MATTISON AGAINST THE UNITED STATES.

DECEMBER 9, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 4, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-115. Lucius V. S. Mattison v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1902. The case was brought to a hearing on its merits on the 22d day of April, 1907.

Messrs. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Oswego, in the State of New York.

2. That he, being the first sergeant of Company D, Eighty-first Regiment New York Volunteer Infantry, was duly appointed or commissioned by the governor of the State of New York as second lieutenant thereof on June 28, 1864; and that from and after said date he assumed and performed all the duties of his said grade until November 6, 1864, when he was mustered in as captain; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence, and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Lucius V. S. Mattison, the claimant in this case, is a citizen of the United States, and resident in the county of Oswego, in the State of New York.

2. On June 28, 1864, the said Lucius V. S. Mattison was first sergeant of Company D, Eighty-first Regiment New York Volunteer Infantry. On that date and until he was mustered into the service, to wit, on November 6, 1864, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The second lieutenant of said Company D, Eighty-first Regiment New York Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company D, Eighty-first Regiment New York Volunteer Infantry, until November 6, 1864, when mustered in as captain.

The governor of the State of New York also issued to this claimant a commission as second lieutenant Company D, Eighty-first Regiment New York Volunteer Infantry.

3. On the said June 28, 1864, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company D, Eighty-first Regiment New York Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as captain, November 6, 1864.

4. During the period aforesaid, to wit, from June 28, 1864, to November 5, 1864, this claimant employed one servant, not enlisted.

5. During said period this claimant did not draw rations from the Government.

6. If the said Lucius V. S. Mattison should be deemed second lieutenant of Company D, Eighty-first Regiment New York Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered for the period from June 28, 1864, to November 5, 1864, would amount to four hundred and ninety dollars and forty-four cents ($490.44), as reported by the Auditor for the War Department, including short payments of $186.67.

BY THE COURT.

Filed April 22, 1907.

A true copy of the findings of fact as filed by the court.
Test this 24th day of April, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 304.

FINDINGS IN CASE OF SCHOONER SYLVANUS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER SYLVANUS, EDWARD D. BAKER, MASTER.

DECEMBER 9, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 7, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Sylvanus*, Edward D. Baker, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Sylvanus*, Edward D. Baker, master.]

No. of case.	Claimant.
2230.	Francis M. Boutwell, administrator of Abraham Touro, *v.* The United States.
	George G. King, administrator of Crowell Hatch, *v.* The United States.
	James C. Davis, administrator of Cornelius Durant, *v.* The United States.
3644.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	Henry Parkman, administrator of John Lovett, *v.* The United States.
	Arthur D. Hill, administrator of Bejamin Homer, *v.* The United States.
	Edward I. Browne, administrator of Israel Thorndike, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
	James C. Davis, administrator of Cornelius Durant, *v.* The United States.
	John Lowell, jr., administrator of Tuthill Hubbart, *v.* The United States.
3645.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
3646.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	Charles K. Cobb, administrator of Stephen Codman, *v.* The United States.
	William G. Perry, administrator of Nicholas Gilman, *v.* The Untied States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
2403.	Nathan Matthews, jr., administrator of Daniel Sargent, *v.* The United States.
4193.	Chandler Robbins, administrator of Joseph Russell, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 12th day of March, 1907.

The claimants were represented by William T. S. Curtis and Theodore J. Pickett, and the United States, defendants, by the Attorney-General, through his assistant, in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van *Orsdel.*

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Sylvanus*, Edward D. Baker, master, sailed on a commercial voyage on or about April 27, 1800, from the island of Martinique bound to Boston. While peacefully pursuing said voyage she was seized on May 1, 1800, by the French privateer *L'Industrie*, Captain Gavotte, and carried into the island of Guadaloupe.

May 4, 1800 (Floreal 15, year 8), said vessel and cargo were condemned by the tribunal of commerce and prizes sitting at Basseterre, Guadaloupe, on the following grounds:

"That the master of the vessel has no rôle d'equipage but simply an agreement with his crew.

"That the vessel had taken on board at Martinique, an English island, a cargo of molasses, sugar, and coffee of the growth of said island."

II. The schooner *Sylvanus* was a duly registered vessel of the United States of 69$\frac{4}{94}$ tons burthen, built in Massachusetts in the year 1798, and was owned by Edward D. Baker, Baker Baker, Scollay Baker, Calvin Turner, and Ichabod Thomas, all citizens of the United States.

III. The cargo of the *Sylvanus* at the time of capture consisted of molasses, coffee, and sugar, and was owned by William P. Smith and Edward D. Baker, citizens of the United States.

IV. The losses by reason of the capture and condemnation of the *Sylvanus* were as follows:

Value of vessel	**$2,700.00**
Freight earnings	**1,150.00**
Value of cargo	**5,207.24**
Premiums of insurance paid	**1,196.00**
Amounting in all to	**10,313.24**
Deduct insurance received	**8,600.00**
Net loss	**1,713.24**

V. February 24, 1800, Edward D. Baker, Baker Baker, Scollay Baker, Calvin Turner, and Ichabod Thomas, owners of the vessel, effected insurance thereon in the office of Joseph Taylor, insurance broker of Boston, in the sum of $2,500, paying therefor a premium of 15 per cent, said policy being underwritten by the following persons, each in the sum set opposite their names, respectively, viz:

Daniel Sargent	**$600.00**
John C. Jones	**500.00**
Stephen Codman	700.00
Nicholas Gilman	700.00

October 15, 1800, said Joseph Taylor, as agent, duly paid the said assured the sum of $2,500, being in full for a total loss by reason of the premises.

VI. February 24, 1800, Edward D. Baker, owner of certain property on board said vessel, effected insurance on the same in the office of Joseph Taylor, in the sum of $700, paying therefor a premium of 8 per cent, said policy being underwritten by the following person, viz:

John C. Jones	$700.00

Thereafter said Joseph Taylor, as agent, duly paid the said assured the sum of $700, being in full for a total loss by reason of the premises.

VII. February 26, 1800, William P. Smith, owner of the cargo, effected insurance on said goods in the office of Joseph Taylor, in the sum of $4,500, paying therefor a premium of 15 per cent, said policy being underwritten by the following persons, each in the sum set opposite their names, respectively, viz:

Israel Thorndike	$600.00
John Lovett	300.00
Tuthill Hubbart	800.00
John C. Jones	500.00
[illegible] in Homer	500.00
[illegible] Durant	1,000.00
J[illegible]ey & R[illegible]ll	800.00

[illegible] 28. [illegible], said Joseph Taylor, as agent, duly paid the said assured the sum of [illegible] full for a total loss by reason of the premises.

The [illegible] Jeffrey & Russell was composed of Joseph Russell and Patrick Jeffrey, of [illegible] said Russell was the survivor.

VIII. June 10, 1800, William P. Smith, owner of the cargo, effected insurance on said goods in the office of Abraham Touro, insurance broker of Boston, in the sum of $3,000, paying therefor a premium of 10 per cent, said policy being underwritten by the following-named persons each in the sum set opposite their names, respectively, viz:

Crowell Hatch	$500.00
Cornelius Durant	500.00
William Smith	500.00
John C. Jones	500.00
James Scott	500.00
Samuel W. Pomeroy	500.00

February 19, 1801, said Touro, as agent, duly paid the said assured the sum of $900, as and for a total loss by reason of the premises, the said William P. Smith, having been previously insured to the value of his said property less said sum of $900, the same being a loss to Crowell Hatch, the first underwriter on said policy, in the sum of $500, and to Cornelius Durant, the second underwriter thereon, in the sum of $400. William Smith, John C. Jones, James Scott, and Samuel W. Pomeroy suffered no loss on this policy.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Sylvanus*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

Nathan Matthews, jr., administrator of Daniel Sargeant, six hundred dollars.	$600.00
Thomas N. Perkins, administrator of John C. Jones, one thousand seven hundred dollars	1,700.00
Charles K. Cobb, administrator of Stephen Codman, seven hundred dollars	700.00
William G. Perry, administrator of Nicholas Gilman, seven hundred dollars	700.00
Edward I. Browne, administrator of Israel Thorndike, six hundred dollars	600.00
Henry Parkman, administrator of John Lovett, three hundred dollars	300.00
John Lowell, jr., administrator of Tuthill Hubbart, eight hundred dollars	800.00
Arthur D. Hill, administrator of Benjamin Homer, five hundred dollars	500.00
James C. Davis, administrator of Cornelius Durant, one thousand four hundred dollars	1,400.00
Chandler Robbins, administrator of Joseph Russell, eight hundred dollars	800.00
George G. King, administrator of Crowell Hatch, five hundred dollars	500.00
Amounting in all to eight thousand six hundred dollars	8,600.00

The owners of the vessel, freight, and cargo are not in court.

BY THE COURT.

Filed March 18, 1907.

A true copy.
Test this 6th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 305.

FINDINGS IN CASE OF SCHOONER JENNY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER JENNY, GEORGE WALKER, MASTER.

DECEMBER 9, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 7, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Jenny*, George Walker, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Jenny*, George Walker, master.]

No. of case.	Claimant.
890.	Brooks Adams, administrator of Peter C. Brooks, *v.* The United States.
1630.	Alice S. Wheeler, administratrix of Abiel Winship, *v.* The United States.
2038.	George G. King, administrator of Crowell Hatch, *v.* The United States.
4204.	William I. Munroe, administrator of John Brazer, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 13th day of March, 1907.

The claimants were represented by William T. S. Curtis and Theodore J. Pickett, esqs., and the United States, defendant, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Jenny*, George Walker, master, sailed on a commercial voyage November 21, 1796, from Boston bound for Jamaica.

While peacefully pursuing said voyage, she was seized on the high seas in December, 1796, by the French privateer schooner *La Picarde*, Captain Calinichi, and sent into Gonaives, under a prize master. The captain of the *Jenny* was taken to Gonaives on the privateer; his papers were taken from him, and he was kept under guard on the privateer. While still in custody, he was examined by the justice of the peace of Gonaives and compelled to sign his answers to the interrogatories, although the interpreting had been very imperfect and he could not know what his answers had been made to contain. On January 1, 1797, the vessel and cargo were condemned by the commission of the executive directory at the Cape as good prize for the benefit of the captors, and thereby became a total loss to the owners thereof.

The grounds of condemnation as stated in the decree were as follows: That the cargo was of English ownership; that the vessel was not provided with passport and invoices.

So far as the above conclusions were ground for legal condemnation they were inconsistent with the facts, which facts the master was not given an opportunity to present to the tribunal that condemned the vessel and cargo.

II. The *Jenny* was a duly registered vessel of the United States of 63$\frac{4}{94}$ tons burthen, built in Massachusetts in the year 1784, and owned solely by Abiel Winship and Charles Winship, citizens of the United States, in the proportions, respectively, of three-quarters and one-quarter.

III. The cargo of the *Jenny* at date of said seizure consisted of beef, provisions, flour, hoops, similar merchandise, and specie, and was owned by said Abiel Winship and Charles Winship in the same proportions as they owned the vessel and by other persons whose names no not appear.

The specie consisted of 1,500 Spanish milled dollars, of which 1,200 were the property of said Abiel Winship and Charles Winship, owned by them in the same proportions as they owned the vessel.

IV. The losses to said Abiel Winship by reason of the seizure and condemnation of the *Jenny* were as follows:

Three-fourths value of the vessel	$1,420.00
Three-fourths freight earnings	787.50
Value of his proportion of cargo, including specie	1,462.56
Amounting in all to	3,670.06

February 2, 1797, Charles Winship, owner of one-fourth of vessel and one-fourth of that portion of the cargo shipped by him and Abiel Winship, procured through the office of Peter C. Brooks insurance on one-quarter part of the vessel and merchandise in the sum of $1,000, paying for such insurance a premium of 15 per cent.

The policy was underwritten by the following persons, citizens of the United States, each in the sum set opposite his name:

Caleb Hopkins	$500
Crowell Hatch	500

Thereafter Peter C. Brooks, as agent, duly paid the insured $1,000 in full for a total loss by reason of the premises.

The value of the property at risk exceeded the sum for which insured.

December 8, 1801, the administrator of the estate of Caleb Hopkins, in consideration of $3,000 paid by Peter C. Brooks and the assumption by the said Brooks of any and all liabilities and disadvantages arising from the said intestate's underwriting in the office of said Brooks, assigned to the said Brooks all his intestate's right, title, and interest in and to all insurance done by his said intestate as an underwriter in the office of said Brooks.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Jenny*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Brooks Adams, administrator of Peter C. Brooks, five hundred dollars.....	$500.00
George G. King, administrator of Crowell Hatch, five hundred dollars.....	500.00
Alice S. Wheeler, administratrix of Abiel Winship, three thousand six hundred and seventy dollars and six cents.....	3,670.06
Amounting in all to four thousand six hundred and seventy dollars and six cents.....	4,670.06

Charles Winship, part owner of the vessel and cargo, is not in court.

Petition No. 4204, William I. Monroe, administrator of John Brazer, is dismissed, no evidence having been produced to show that he suffered loss on this vessel.

By THE COURT.

Filed April 1, 1907.

A true copy:
Test this 6th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 306.

FINDINGS IN CASE OF SCHOONER FRIENDSHIP.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER FRIENDSHIP, WILLIAM BLANCHARD, MASTER.

DECEMBER 9, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 6, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Friendship*, William Blanchard, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Friendship*, William Blanchard, master.]

No. of case.	Claimant.
230.	Charles F. Adams, administrator of Peter C. Brooks, *v* The United States.
3328.	Daniel W. Waldron, administrator of Jacob Sheafe, *v.* The United States.
3517.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
	Arthur D. Hill, administrator of Benjamin Homer, *v.* The United States.
	James C. Davis, administrator of Cornelius Durant, *v.* The United States.
	Frank Dabney, administrator of Samuel W. Pomeroy, *v.* The United States.
	George G. King, administrator of James Scott, *v.* The United States.
	William G. Perry, administrator of Nicholas Gilman, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 12th day of March, 1907.

The claimants were represented by William T. S. Curtis and Theodore J. Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Friendship*, William Blanchard, master, sailed on a commercial voyage November 11, 1799, from Norfolk, Va., bound to Tobago and Trinidad. While peacefully pursuing said voyage she was seized on the high seas, December 24, 1799, by the French privateer *Le Soliel*, Captain Lafitte, who took from on board the *Friendship* her master, supercargo, and three of her crew and carried them to St. Bartholomew, where they were liberated. Vessel and cargo afterwards condemned February 8, 1800, by the tribunal of prizes sitting at Basseterre, Guadaloupe, upon grounds which do not appear.

II. The *Friendship* was a duly registered vessel of the United States of 101$\frac{21}{95}$ tons burthen; built at Kingston, Mass., in the year 1792, and owned by William Blanchard, Jeremiah Stimson, and Thomas Callender, each one-third.

III. The cargo of the *Friendship* at the time of capture consisted of lumber, biscuit, and grain, and was owned by Laurie & Telfer, of Norfolk. The value of said cargo does not appear.

IV. The losses to the owners of vessel and freight by reason of said seizure and condemnation were as follows:

Value of vessel	$3,622.00
Freight earnings	1,700.00
Premiums of insurance paid	778.00
Amounting in all to	6,100.00
Deduct insurance received	6,100.00

V. October 26, 1799, Jeremiah Stimson and Thomas Callender effected in the office of Joseph Taylor, insurance broker, of Boston, insurance on two-thirds of the vessel and freight to the amount of $4,000, paying therefor a premium of 10 per cent, said policy being underwritten by the following-named persons, each in the sum set opposite their names, viz:

John C. Jones	$700.00
Benjamin Homer	500.00
Cornelius Durant	500.00
Samuel W. Pomeroy	800.00
James Scott	500.00
Nicholas Gilman	500.00
Jacob Sheafe	500.00

Thereafter said Joseph Taylor, as agent, duly paid the said assured the sum of $4,000, being in full for a total loss on said policy by reason of the premises.

VI. November 27, 1799, George Blanchard, on behalf of William Blanchard, effected in the office of Peter C. Brooks, insurance broker, in the city of Boston, insurance on one-third of vessel and freight to the amount of $2,100, paying therefor a premium of 18 per cent, said policy being underwritten by the following-named persons, each in the sum set opposite their names, respectively, viz:

William Smith	$1,100.00
Stephen Gorham	500.00
Tuthill Hubbart	500.00

Thereafter said Peter C. Brooks, as agent, duly paid the said assured the sum of $2,100, being in full for a total loss by reason of the premises.

December 16, 1801, William Smith, in consideration of $3,715.50, to him paid by Peter C. Brooks, and the assumption by the said Brooks of all and any liabilities and disadvantages arising from his underwriting in the office of the said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

April 4, 1808, Tuthill Hubbart, in consideration of $60,000, to him paid by Peter C. Brooks and the assumption by the said Brooks of all and any liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

November 21, 1801, Stephen Gorham, in consideration of $2,986.65, to him paid by Peter C. Brooks and the assumption by the said Brooks of all and any liabilities and disadvantages arising from his underwriting in the office of the said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Friendship*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides, as conclusions of law, that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

Charles F. Adams, administrator of Peter C. Brooks, two thousand one hundred dollars	$2,100
Daniel W. Waldron, administrator of Jacob Sheafe, five hundred dollars	500
Thomas N. Perkins, administrator of John C. Jones, seven hundred dollars	700
Arthur D. Hill, administrator of Benjamin Homer, five hundred dollars	500
James C. Davis, administrator of Cornelius Durant, five hundred dollars	500
Frank Dabney, administrator of Samuel W. Pomeroy, eight hundred dollars	800
George G. King, administrator of James Scott, five hundred dollars	500
William G. Perry, administrator of Nicholas Gilman, five hundred dollars	500
Amounting in all to six thousand one hundred dollars	6,100

The owners of the vessel, freight, and cargo are not in court.

BY THE COURT.

Filed March 18, 1907.

A true copy.
Test this 6th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 307.

FINDINGS IN CASE OF SCHOONER SWAN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SCHOONER SWAN, SAMUEL SHAW, MASTER.

DECEMBER 9, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 6, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Swan*, Samuel Shaw, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, schooner *Swan*, Samuel Shaw, master.]

No. of case.	Claimant.
2231.	Francis M. Boutwell, administrator of Abraham Touro, *v.* The United States.
	George G. King, administrator of Crowell Hatch, *v.* The United States.
	Morton Prince, administrator of James Prince, *v.* The United States.
	William P. Dexter, administrator of Samuel Dexter, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
2884.	Mary E. Carter, administratrix of Thomas Carter, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 12th day of March, 1907. The claimants were represented by William T. S. Curtis and Theodore J. Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Swan*, Samuel Shaw, master, sailed on a commercial voyage from Swans Island July 20, 1799, bound to St. Bartholomew. While peacefully pursuing said voyage she was seized by the French privateer *L'Espoir* and carried to Point-a-

Pierre, Guadaloupe. On August 16, 1799, said vessel and cargo were condemned by the tribunal of commerce and prizes sitting at Basseterre, Guadaloupe, on the following grounds.

"That the neutrality of the cargo is not sufficiently established.

"That the passport carried by the said captain is not in conformity with the treaty of February 6, 1778.

"That the captain has no rôle d'equipage."

II. The schooner *Swan* was a duly registered vessel of the United States of 90$\frac{17}{95}$ tons burthen; built at Swans Island, Mass., in the year 1797, and owned solely by Joseph Prince, a citizen of the United States.

III. The cargo of the *Swan* at the time of seizure consisted of lumber, but the quantity and value of the same is not shown by the evidence.

IV. The value of the vessel was in excess of $1,500, for which insurance was effected thereon as stated below.

V. September 6, 1799, Joseph Prince, owner of the vessel, effected insurance on the same in the office of Abraham Touro, insurance broker of Boston, to the amount of $1,500, paying therefor a premium of 25 per cent, said policy being underwritten by the following persons, each in the sum set opposite their names, respectively, viz:

Crowell Hatch	$500.00
James Prince	300.00
Samuel Dexter	300.00
John C. Jones	400.00

Thereafter said Abraham Touro, as agent for the underwriters, paid the said assured the sum of $1,500, being in full for a total loss on said policy by reason of the premises.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Swan*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

George G. King, administrator of Crowell Hatch, five hundred dollars	$500.00
Morton Prince, administrator of James Prince, three hundred dollars	300.00
William P. Dexter, administrator of Samuel Dexter, three hundred dollars	300.00
Thomas N. Perkins, administrator of John C. Jones, four hundred dollars	400.00
Amounting in all to one thousand five hundred dollars	1,500.00

Petition No. 2884, Mary E. Carter, administratrix of Thomas Carter, is dismissed, his ownership of the vessel not having been shown.

The owner of the cargo is not in court.

BY THE COURT.

Filed March 18, 1907.

A true copy.
Test this 6th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH.
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 308.

FINDINGS IN CASE OF SCHOONER LEWIS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER LEWIS, GEORGE ROPES, MASTER.

DECEMBER 9, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 7, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Lewis*, George Ropes, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885. 1 Sup. to R S., 2d ed., p. 471. Vessel schooner *Lewis*, George Ropes, master.]

No. of Case.	Claimants.
3212.	John N. A. Griswold, trustee of the United Insurance Company, of the city of New York.
651.	Harriet E. Sebor, administratrix de bonis non cum testamento annexo of the estate of Jacob Sebor, deceased.

CONCLUSIONS OF FACT.

These cases were tried before the Court of Claims on the 26th day of January, 1892. The claimants were represented by Messrs. Wm. E. Earle and James Lowndes, and the United States, defendants, by the Attorney-General, through his assistants in the Department of Justice, Alexander C. Moore and Charles W. Russell, esqs., with whom was Assistant Attorney-General John B. Cotton.

The court, upon the evidence and after hearing the arguments and considering same with the briefs of counsel on each side, determine the facts to be as follows:

I. That the schooner *Lewis*, a duly registered vessel of the United States, whereof one George Ropes was master for the voyage, and owned by Henry Cheriot and John

F. Millet, citizens of the United States, sailed upon a commercial voyage in the month of July, 1799, bound from the port of New York to St. Thomas, laden with a cargo of rice, tobacco, soap, corn, etc., the property of the said Henry Cheriot and John F. Miller; that in the prosecution of said voyage she was forcibly seized and captured on the high seas, on or about August 12, 1799, by the French privateer *La Renominee*, Capt. Francis Maguet, and taken into the island of Guadeloupe, and there both vessel and cargo were libeled, condemned, and sold as a prize, for the benefit of the captors, upon the 29th of August, 1799, by the tribunal of commerce, established and sitting at Basseterre, in said island.

II. The reasons assigned by the tribunal for condemning the property were as follows:

The tribunal of commerce and of prizes established in the island of Guadeloupe, sitting at Basseterre, in the said island, at its ordinary sitting of the 12th Fructidor, the 7th year of the French Republic, one and indivisible:

Having seen the proceedings of the capture of the American schooner *Lewis*, of New York, George Ropes, master, made the 25th of the last month by the privateer *La Ranommée*, Captain Francois Magnet, the file of instructions made the same day by the citizen Levasseur, delegated by the particular agent of the executive directory to the windward islands in the island of Saint Bartholemew to the Swedish Government, one paper, in the English language, translated by citizen Menard, sworn interpreter, annexed to the said paper in the English language, which attests that the citizen Francois Magnet, captain of the said privateer, had only received five pieces as all the papers of the said schooner. The analysis of the papers by the citizen Menard, sworn interpreter annexed to the English ones, which papers, with those annexed, have been deposited in the court, the above-named interpreter present at the hearing. Having heard the president's report and the requisition of the commissary of the executive directory, the cause was ordered for trial.

Considering that by the pieces analyzed and the documents above mentioned it is not sufficiently proved that the cargo of the schooner aforesaid is neutral, inasmuch as there is no authentic declaration nor affidavit to make known the proprietors of the said cargo, and as the bills of lading joined to the said papers make no mention for whose account the merchandise of the said cargo were shipped.

Considering that the *rôle d'équipage* which the captain of the said vessel had is not in good form, such as is prescribed by the model annexed to the treaty of the 6th February, 1778, as the place of birth and residence of the supercargo and passengers are not stated. In applying, 1st, the 3d article of the arrest of the executive directory of the 12th Ventose, 5th year, so worded: "The executive directory reminds all French citizens that the treaty passed the 6th February, 1778, between France and the United States of America has been, as to the terms of the 12th article, modified in fact by that which has been passed at London, the 19th November between the United States of America and England. In consequence, after the 17th article of the treaty of London of the 19th November, 1794, all enemies' merchandize, or not sufficiently proved neutral, shipped under the American flag, shall be confiscated; but the vessel on board which they shall be found shall be released and given up to the proprietors, it is enjoined, &c."

2d. The 4th article of the above arret of the executive directory declares, conformably to the law of the 14th February, 1793, the dispositions of the rules of the 21st October, 1744, and of the 25th July, 1778, concerning the manner of stating the property of vessels and neutral merchandises shall be executed according to their form and tenor. In consequence, all American vessels shall be good prize which have not on board a *rôle d'équipage* in proper form, such as is prescribed by the model annexed to the treaty of 6th February, 1778, of which the execution is ordained by the 25th and 27th articles of the same treaty.

The tribunal, doing justice to the requisition of the commissary of, the executive directory declares the American schooner *Lewis*, her tackle, apparel, and cargo, to be good prize, and orders the sale in the usual forms to the profit of the captors, owners, and those interested in the said privateer, *La Renommée*, inventory of the whole being first made in presence of those who have right. Ordered, &c.

Done and passed at the said tribunal in this sitting, at which assisted the citizens Antoine Jean Bennet, president; Thomas Petit, Antoine Eloi Duc, judges; and Louis Christophe, Blin L'herminier, secretary; the said day, month, and year signed in the records. A. Bennet, pres., B. Blin, L'herminier, g'ier.

III. The cargo was as follows:

Marks.	Numbers.			By whom shipped.	Value.
	Sundries..	Twelve tierces.....	Rice.....	Henry Cheriot....	$2,880
	1 to 5.....	Five hhds.....	Tobacco.....		
	Sundries..	Thirty eight boxes.....	Soap.....		
	....do.....	Fifteen hhds.....	Indian meal.....		
		Eighty-five bushels.....	Corn.....		
		Two barrels.....	Peas.....		
		One keg.....	Herrings.....		
		One thousand.....	Staves.....		
		Nine "	Shingles.....		
		Five hundred.....	Pine boards.....		
W. S.	70 and 71..	Two bales.....	Blue gineas.....		
		Eighteen pieces Madrass .	Madrass handkfs..		
I P	1 to 3.....	Three boxes.....	Merchandise.....	T. F. Longchamp.	400
D	.....	One case.....	Marble slate.....	Wm. Broom.....	104
		One box.....	Merchandise.....		
					Cargo. 3,384 Vessel. 2,160

SETH SWASEY.

Bonded.

IV. Upon the 27th day of June and the 1st of August, 1799, the aforesaid owners caused three certain policies of insurance to be effected for their account, in the office of the United Insurance Company of the city of New York, upon said vessel, cargo, and freight, for the voyage aforesaid, amounting in the aggregate to the sum of $6,500, and thereafter, in the month of November, 1799, the said company paid the insured the sum of $6,370, being the amount of said policies less 2 per cent, as and for a total loss.

V. That no assignment or transfer of said claim has ever been made, or any indemnity or compensation received on account of said loss.

VI. That petitioner, John N. A. Griswold, is the duly appointed and qualified trustee of the United Insurance Company of the city of New York.

VII. Jacob Sebor made an insurance of $250 on a part of the cargo of said vessel, belonging to Longchamp, upon which the said Sebor paid the sum of $245; but it does not appear that the said Longchamp was a citizen of the United States at the time said insurance was made.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain, concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claim which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides, as conclusions of law, that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimant is entitled to the following sum from the United States:

No. 3212. John N. A. Griswold, trustee of the United Insurance Company of the city of New York, the sum of five thousand five hundred and forty dollars $5,540.00

No. 615. Harriet Sebor, administratrix d. b. n. of the estate of Jacob Sebor, deceased—not proved.

BY THE COURT.

Filed February 8, 1892.

A true copy:
Test this 6 day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 309.

FINDINGS IN CASE OF SLOOP HONOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SLOOP HONOR, WILLIAM KIMBALL, MASTER.

DECEMBER 9, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 6, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the sloop *Honor*, William Kimball, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Sloop *Honor*, William Kimball, master.]

No. of case.	Claimant.
300.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.
	A. Lawrence Lowell, administrator of Nathaniel Fellowes, *v.* The United States.
	George G. King, administrator of James Tisdale, *v.* The United States.
	Francis M. Boutwell, administrator of Joseph Cordis, *v.* The United States.
1914.	George G. King, administrator of Crowell Hatch, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 12th day of March, 1907.

The claimants were represented by William T. S. Curtis and Theodore J. Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence, and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The sloop *Honor*, William Kimball, master, sailed on a commerical voyage on July 31, 1796, from New London, Conn., bound to Hispaniola. While peacefully pursuing said voyage she was seized on the high seas August 31, 1796, by the French pri-

vateer *L'Adelaide*, Captain Chetard, and carried into Petit Trou and condemned on December 31, 1796 (11th Nivôse, year 5), by the tribunal of prizes sitting at Cape Francois, on the following ground:

"That the vessel was bound to the port of Jeremie, which had been declared to be in a state of siege."

II. The sloop *Honor* was a duly registered vessel of the United States, of 53 22/95 tons burthen, built in Connecticut in the year 1791, and was owned solely by Joseph Howland, a citizen of the United States.

III. The cargo of the *Honor* at the time of capture consisted of sheep, hogs, provisions, shingles, and hoops, and was owned by the said Joseph Howland.

IV. The value of the vessel was in excess of $1,200 and the cargo in excess of $2,800, in which amounts, respectively, insurance was effected thereon as set out below.

V. August 3, 1796, Joseph Howland, owner of vessel and cargo, effected insurance on said vessel and cargo in the sum of $4,000 ($1,200 on vessel and $2,800 on cargo) in the office of Peter C. Brooks, insurance broker, of Boston, paying therefor a premium of 6 per cent, said policy being underwritten by the following-named persons, each in the amount set opposite their names, respectively, viz:

William Smith	$500.00
Stephen Gorham	500.00
David Greene	500.00
Nathaniel Fellowes	500.00
Crowell Hatch	500.00
John Brazer	700.00
James Tisdale	400.00
Joseph Cordis	400.00

Thereafter said Peter C. Brooks, as agent, duly paid the said assured the sum of $3,800, being a loss to each of the above-named underwriters of 95 per cent of the amount subscribed by them, respectively.

December 16, 1801, William Smith, for and in consideration of $3,715.50 to him paid by Peter C. Brooks, and the assumption of any and all liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

November 21, 1801, Stephen Gorham, for and in consideration of $2,986.65 to him paid by Peter C. Brooks, and the assumption by said Brooks of any and all liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

December 23, 1801, David Greene, for and in consideration of $6,000 to him paid by Peter C. Brooks, and the assumption of any and all liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

September 4, 1804, John Brazer, for and in consideration of $5,708.85, to him paid by Peter C. Brooks, and the assumption by the said Brooks of all and any liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the sloop *Honor*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United

States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Charles F. Adams, administrator of Peter C. Brooks, two thousand and ninety dollars	$2,090.00
A. Lawrence Lowell, administrator of Nathaniel Fellowes, four hundred and seventy-five dollars	475.00
George G. King, administrator of James Tisdale, three hundred and eighty dollars	380.00
Francis M. Boutwell, administrator of Joseph Cordis, three hundred and eighty dollars	380.00
George G. King, administrator of Crowell Hatch, four hundred and seventy-five dollars	475.00
Amounting in all to three thousand eight hundred dollars	3,800 00

The owners of the vessel, cargo, and freight are not in court.

BY THE COURT.

Filed March 18, 1907.

A true copy.
Test this 6th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 310.

FINDINGS IN CASE OF SLOOP FARMER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SLOOP FARMER, JOHN GROW, MASTER.

DECEMBER 9, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 7, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Farmer*, John Grow, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel sloop *Farmer*, John Grow, master.]

No. of case.	Claimant.
2489.	Francis M. Boutwell, administrator of Benjamin Cobb, *v.* The United States.
	Nathan Matthews, jr., administrator of Daniel Sargent, *v.* The United States.
2997.	Francis M. Boutwell, administrator of William Marshall, jr., *v.* The United States.
3512.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	William G. Perry, administrator of Nicholas Gilman, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
	Frank Dabney, administrator of Samuel W. Pomeroy, *v.* The United States.
	James C. Davis, administrator of Cornelius Durant, *v.* The United States.
	Arthur D. Hill, administrator of Benjamin Homer, *v.* The United States.
	George G. King, administrator of James Scott, *v.* The United States.
	William Ropes Trask, administrator of Thomas Amory, *v.* The United States.
	Charles K. Cobb, administrator of Stephen Codman, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 13th day of March, 1907.

The claimants were represented by William T. S. Curtis and Theodore J. Pickett, esqrs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The sloop *Farmer*, John Grow, master, sailed on a commercial voyage January 12, 1800, bound from Boston to Trinidad. While peacefully pursuing said voyage she was seized on the high seas by the French privateer *Bijoux*, Captain Dupuy, and carried to Guadaloupe, where both vessel and cargo were afterwards condemned by the prize court sitting at Basseterre in said island, and thereby became a total loss to the owners thereof. The grounds of condemnation do not appear, but the examination of the master and supercargo of the *Farmer* by the French authorities show that she had violated none of her obligations of neutrality, that she was bound on a commercial voyage, and that she carried a cargo no part of which was contraband, and that the vessel and cargo were the property of an American citizen and that no papers were thrown into the sea or hidden on board.

The report of the prize master of the privateer shows that no resistance to search was made and that the *Farmer* came to immediately at the summons of the privateer.

The analysis of the *Farmer's* papers by the French authorities shows that she carried a register, sea letter or passport, agreement with the crew (shipping list), invoice of the cargo, certificate of clearance from the custom-house at Boston and Charleston.

The vessel was carried into Guadaloupe on the 16th day of February, 1800, where the master remained until the 16th day of March, when he went to the island of St. Thomas, arriving there on March 19. It appears from the report of Somerville P. Tuck that said vessel was condemned, but a copy of the condemnation is not produced.

II. The *Farmer* was a duly registered vessel of the United States of 76 tons burthen, built in the State of Connecticut in the year 1791, and owned solely by William Marshall, jr., and Benjamin Hooper, both citizens of the United States.

III. The cargo of the *Farmer* at the time of seizure consisted of beef, bacon, lard, flour, tobacco, gin, rice, hams, butter, salmon, biscuit, shingles, boards, wine, staves, hoops, soap, and plank, and was the property of William Marshall, jr.

IV. The loss to William Marshall, jr., by reason of the seizure and condemnation of the *Farmer* was as follows:

Value of the cargo	$5,395.57
One-half value of vessel	1,545.00
One-half freight earnings	950.00
Premiums of insurance (on actual value of vessel, etc.)	1,027.75
Amounting in all to	8,918.32
Deduct insurance received	6,500.00
Net loss	2,418.32

V. January 14, 1800, said William Marshall, jr., effected in the office of Joseph Taylor insurance on said vessel and cargo in the sum of $6,500 ($2,000 on vessel and $4,500 on cargo), paying therefor a premium of 17 per cent, by a policy underwritten by the following persons, who, as far as they have appeared in this court, werecitizens of the United States, each in the sum set opposite their names, respectively:

Benjamin Cobb	$500.00
Ebenezer Francis	500.00
Nicholas Gilman	1.000.00
Leech & Hilton	300.00
Daniel Sargent	500.00
John C. Jones	500.00
Samuel W. Pomeroy	500.00
Cornelius Durant	500.00
Benjamin Homer	500.00
Thomas Amory	700.00
James Scott	500.00
Stephen Codman	500.00

Thereafter, Joseph Taylor, as agent, duly paid the said assured the sum of $6,500, being in full for a total loss by reason of the premises, but the one-half of the vessel so insured herein being only of the value of $1,545, there was an overinsurance on the same to the amount of $455. The losses to said underwriters on this policy were therefore as follows:

Benjamin Cobb	$465.00
Ebenezer Francis	465.00
Nicholas Gilman	930.00
Leech & Hilton	279.00
Daniel Sargent	465.00
John C. Jones	465.00
Samuel W. Pomeroy	465.00
Cornelius Durant	465.00
Benjamin Homer	465.00
Thomas Amory	651.00
James Scott	465.00
Stephen Codman	465.00

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the sloop *Farmer*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France, concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain, concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions is of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides, as conclusions of law, that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

Francis M. Boutwell, administrator of William Marshall, jr., two thousand four hundred and eighteen dollars and thirty-two cents	$2,418.32
Francis M. Boutwell, administrator of Benjamin Cobb, four hundred and sixty-five dollars	465.00
William G. Perry, administrator of Nicholas Gilman, nine hundred and thirty dollars	930.00
Nathan Matthews, jr., administrator of Daniel Sargent, four hundred and sixty-five dollars	465.00
Thomas N. Perkins, administrator of John C. Jones, four hundred and sixty-five dollars	465.00
Frank Dabney, administrator of Samuel W. Pomeroy, four hundred and sixty-five dollars	465.00
James C. Davis, administrator of Cornelius Durant, four hundred and sixty-five dollars	465.00
Arthur D. Hill, administrator of Benjamin Homer, four hundred and sixty-five dollars	465.00
William R. Trask, administrator of Thomas Amory, six hundred and fifty-one dollars	651.00
George G. King, administrator of James Scott, four hundred and sixty-five dollars	465.00
Charles K. Cobb, administrator of Stephen Codman, four hundred and sixty-five dollars	465.00
Amounting in all to seven thousand seven hundred and nineteen dollars and thirty-two cents	7,719.32

Ebenezer Francis and Leech & Hilton, underwriters on the policy of insurance herein, are not in court.

Charles T. Lovering, administrator of Joseph Taylor, has proved no valid claim other than for those who underwrote the insurance in said Taylor's office, as hereinbefore set forth.

Benjamin Hooper, the other half owner of the vessel and freight, is not in court.

By the Court.

Filed April 1, 1907.

A true copy.
Test this 6th day of December, 1907.
[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 311.

FINDINGS IN CASE OF SHIP SARAH.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE VESSEL SHIP SARAH, JAMES BRECK, MASTER.

DECEMBER 9, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 6, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel ship *Sarah*, James Breck, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel ship *Sarah*, James Breck, master.]

No. of case.	Claimant.
934.	Brooks Adams, administrator of Peter C. Brooks, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
	Francis M. Boutwell, administrator of Benjamin Cobb, *v.* The United States.
	James S. English, administrator of Thomas English, *v.* The United States.
	Arthur P. Cushing, administrator of Marston Watson, *v.* The United States.
	Walter Hunnewell, administrator of John Welles, *v.* The United States.
	Morton Prince, administrator of James Prince, *v.* The United States.
	Gordon Dexter, administrator of Samuel Dexter, *v.* The United States.
3346.	Nathan Matthews, jr., administrator of Daniel Sargent, *v.* The United States.
	Daniel W. Waldron, administrator of Jacob Sheafe, *v.* The United States.
3651.	Charles K. Cobb, administrator of Stephen Codman, *v.* The United States.
	George G. King, administrator of James Scott, *v.* The United States.
	Edward I. Browne, administrator of Israel Thorndike, *v.* The United States.
	Arthur D. Hill, administrator of Benjamin Homer, *v.* The United States.
	Henry W. Edes, administrator of John May, *v.* The United States.
	John O. Shaw, administrator of Josiah Knapp, *v.* The United States.
	William Ropes Trask, administrator of Thomas Amory, *v.* The United States.
	H. Burr Crandall, administrator of Thomas Cushing, *v.* The United States.
	Jonathan I. Bowditch, administrator of Benjamin Pickman, *v.* The United States.
	Arthur T. Lyman, administrator of Theodore Lyman, *v.* The United States.
	Charles K. Cobb, administrator of John Codman, *v.* The United States.
	William G. Perry, administrator of Nicholas Gilman, *v.* The United States.
	Elisha Whitney, administrator of Thomas Stephens, survivor of the firm of John and Thomas Stephens, *v.* The United States.
	John Lowell, administrator of Tuthill Hubbart, *v.* The United States.
	Frank Dabney, administrator of Samuel W. Pomeroy, *v.* The United States.
	W. Rodman Peabody, administrator of Daniel D. Rogers, *v.* The United States.

[illegible] d [illegible] of C [illegible] October, 1907.
[illegible] S. Curtis, Theodore J. Pickett, and
[illegible] fendants, by the Attorney-General,
[illegible] John W. Trainer, esq., with whom

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The ship *Sarah*, whereof Joseph Breck was master, sailed on a commercial voyage from Norfolk, Va., August 24, 1799, bound for London, England. While peacefully pursuing said voyage the *Sarah* was seized on the high seas on the 17th day of October, following by the French privateer *Vengeance*, Captain Grandideau, and a prize master and crew placed on board with instructions to conduct her to France. While in the possession of the French the *Sarah* was robbed of some hawsers, coils of rope, a topmast, medicine chest, and sundry portions of tobacco, the last composing a part of her cargo.

On the 22d day of said month of October the *Sarah* was retaken from the French by the British ship of war *Cambrian*, under the command of the Hon. Arthur Kaye Legge, and conducted to Plymouth, in England, and said vessel condemned by the British admiralty court to pay a salvage of one-eighth exclusive of costs and charges.

II. The *Sarah* was a duly registered vessel of the United States, of 310 tons burthen, built in the State of Massachusetts in the year 1795, and owned solely by Joseph Russell, jr., and Patrick Jeffrey, citizens of the United States residing in Boston.

III. The cargo of the *Sarah* consisted of tobacco and staves, but it does not appear who were the owners thereof, nor what was the value of the same.

IV. August 9, 1799, said Patrick Jeffrey and Joseph Russell effected insurance on said vessel in the office of Peter C. Brooks, insurance broker, in the sum of $12,000, paying therefor a premium of 9 per cent by a policy underwritten by the following persons, all of whom were citizens of the United States, each in the sum set opposite his name, viz:

John C. Jones	$1,000	Marston Watson	$1,000
Cornelius Durant	1,000	Benjamin Bussey	1,000
Tuthill Hubbart	1,000	Samuel W. Pomeroy	1,000
Benjamin Cabb	1,000	John Welles	500
John McLean	1,000	James Prince	500
William Smith	1,000	Samuel Dexter	500
Thomas English	500	Stephen Gorham	1,000

Thereafter said Brooks, as agent, duly paid the said assured the sum of $2,013.60 as and for a loss arising by reason of the premises, the same being a loss to each of said underwriters of 16.78 per cent of the amount underwritten by him.

September 9, 1799, said Patrick Jeffrey and Joseph Russell effected insurance on the freight of said vessel in the office of Joseph Taylor, insurance broker, in the sum of $12,000, paying therefor a premium of 9 per cent, by a policy underwritten by the following persons, all of whom were citizens of the United States, each in the sum set opposite his name, viz:

Stephen Codman	$500	Benjamin Pickman	$500
James Scott	500	Theodore Lyman	500
Daniel Sargent	700	John Codman	1,000
Israel Thorndike	500	Nicholas Gilman	1,000
Benjamin Homer	500	Jacob Sheafe	500
John C. Jones	500	John & Thomas Stephens	600
John May	500	Tuthill Hubbart	500
Josiah Knapp	500	Samuel W. Pomeroy	1,000
Thomas Amory	1,000	Daniel D. Rogers	800
Thomas Cushing	400		

Thereafter said Taylor, as agent, duly paid the said assured the sum of $1,992, as and for a loss arising by reason of the premises, the same being a loss to each of said underwriters of 16.60 per cent of the amount underwritten by him.

V. After said payment, to wit, April 4, 1808, the administrator of Tuthill Hubbart, for and in consideration of $60,000, to them paid by Peter C. Brooks, and the assumption of all responsibility of said Hubbart as an underwriter in the office of said Brooks, assigned to said Brooks all the interest of said Hubbart in said business.

After said payment, to wit, January 7, 1804, for and in consideration of $181.70 and the assumption of all responsibility of Cornelius Durant as an underwriter in the office of said Brooks, the said Durant assigned to the said Brooks all his interest in said business.

After said payment, to wit, February 8, 1802, for and in consideration of $3,000 and the assumption of all responsibility of John McLean as an underwriter in the office of Peter C. Brooks, Isaiah Knapp, executor, etc., of John McLean, assigned to said Brooks all the interest of said McLean in said business.

After said payment, to wit, December 16, 1801, for and in consideration of $3,715.50 and the assumption of all responsibility of William Smith as an underwriter in the office of said Brooks, said Smith assigned to said Brooks all his interest in said business.

After said payment, to wit, February 15, 1805, for and in consideration of $10.000 and the assumption of all responsibility of Benjamin Bussey as an underwriter in the office of said Brooks, said Bussey assigned to said Brooks all his interest in said business.

After said payment, to wit, February 7, 1804, for and in consideration of $4,900 and the assumption of all responsibility of S. W. Pomeroy as an underwriter in the office of said Brooks, said Pomeroy assigned to said Brooks all his interest in said business.

After said payment, to wit, November 21, 1801, for and in consideration of $2,986.65 and the assumption of all responsibility of Stephen Gorham as an underwriter in the office of said Brooks, said Gorham assigned to said Brooks all his interest in said business.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the ship *Sarah* as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

Brooks Adams, administrator of Peter C. Brooks, one thousand one hundred and seventy-four dollars and sixty cents	$1,174.60
Thomas N. Perkins, administrator of John C. Jones, two hundred and fifty dollars and eighty cents	250.80
Francis M. Boutwell, administrator of Benjamin Cobb, one hundred and sixty-seven dollars and eighty cents	167.80
James S. English, administrator of Thomas English, eighty-three dollars and ninety cents	83.90
Arthur P. Cushing, administrator of Marston Watson, one hundred and sixty-seven dollars and eighty cents	167.80
Walter Hunnewell, administrator of John Welles, eighty-three dollars and ninety cents	83.90
Morton Prince, administrator of James Prince, eighty-three dollars and ninety cents	83.90
Gordon Dexter, administrator of Samuel Dexter, eighty-three dollars and ninety cents	83.90
Nathan Matthews, jr., administrator of Daniel Sargent, one hundred and sixteen dollars and twenty cents	116.20
Daniel W. Waldron, administrator of Jacob Sheafe, eighty-three dollars	83.00
Charles K. Cobb, administrator of Stephen Codman, eighty-three dollars	83.00
George G. King, administrator of James Scott, eighty-three dollars	83.00
Edward I. Browne, administrator of Israel Thorndike, eighty-three dollars	83.00

Arthur D. Hill, administrator of Benjamin Homer, eighty-three dollars...	$83.00
Henry W. Edes, administrator of John May, eighty-three dollars.....	83.00
John O. Shaw, administrator of Josiah Knapp, eighty-three dollars.....	83.00
William Ropes Trask, administrator of Thomas Amory, one hundred and sixty-six dollars.....	166.00
H. Burr Crandall, administrator of Thomas Cushing, sixty-six dollars and forty cents.....	66.40
Jonathan I. Bowditch, administrator of Benjamin Pickman, eighty-three dollars.....	83.00
Arthur T. Lyman, administrator of Theodore Lyman, eighty-three dollars.	83.00
Charles K. Cobb, administrator of John Codman, one hundred and sixty-six dollars.....	166.00
William G. Perry, administrator of Nicholas Gilman, one hundred and sixty-six dollars.....	166.00
Elisha Whitney, administrator of Thomas Stephens for and on behalf of the firm of John and Thomas Stephens, ninety-nine dollars and sixty cents..	99.60
John Lowell, administrator of Tuthill Hubbart, eighty-three dollars.....	83.00
Frank Dabney, administrator of Samuel W. Pomeroy, one hundred and sixty-six dollars.....	166.00
W. Rodman Peabody, administrator of Daniel D. Rogers, one hundred and thirty-two dollars and eighty cents.....	132.80
Amounting in all to four thousand and five dollars and sixty cents...	4,005.60

No person claiming to represent the vessel and cargo owners have appeared herein.

BY THE COURT.

Filed October 28, 1907.

A true copy.
Test this 6th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

: CONGRESS, } HOUSE OF REPRESENTATIVES. { DOCUMENT
t Session. } { No. 312.

DINGS IN CASE OF FIRST PRESBYTERIAN CHURCH, LEBANON, KY.

TER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS ANSMITTING A COPY OF THE FINDINGS FILED BY THE URT IN THE CASE OF FIRST PRESBYTERIAN CHURCH AT BANON, KY., AGAINST THE UNITED STATES.

MBER 12, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 10, 1907.

R: Pursuant to the order of the court, I transmit herewith a cer- l copy of the findings filed by the court in the aforesaid cause, h case was referred to this court by the resolution of the House epresentatives under the act of March 3, 1887, known as the ter Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

on. JOSEPH G. CANNON,
Speaker of the House of Representatives.

of Claims. Congressional, No. 12219. First Presbyterian Church, at Lebanon, Ky., v. The United States.]

STATEMENT OF CASE.

s is a claim for use and occupation alleged to have been taken or furnished to ilitary forces of the United States during the war for the suppression of the ion. On the 31st day of March, 1906, the House of Representatives referred court a bill in the following words:

"[H. R. 6674, Fifty-ninth Congress, first session.]

"A BILL For the relief of the First Presbyterian Church at Lebanon, Kentucky.

e it enacted by the Senate and House of Representatives of the United States of America ngress assembled, That the Secretary of the Treasury be, and is hereby, authorized irected to pay to the First Presbyterian Church at Lebanon, in Kentucky, out y money in the Treasury not otherwise appropriated, the sum of six thousand undred and ten dollars, for the use and occupation of the church building and ure and fixtures pertaining to and in and about said building and injuries to and the destruction of some of the property in and about said building by the ry forces of the United States during the war of the rebellion; and said sum

shall, when paid, be in full of all claims of said church against the United States for the use of or damages to its property by said Army."

The claimant appeared and filed a petition herein September 4, 1906, in which it is substantially averred that—

During the war for the suppression of the rebellion the First Presbyterian Church of Lebanon, Ky., was loyal to the United States; that from 1862 to 1865, inclusive, said building was occupied and used by the United States troops and damaged, the fixtures and furniture, in the sum of $6,110.

The case was brought to a hearing on loyalty and merits on the 7th day of February, 1907.

Messrs. Calhoun & Sizer appeared for the claimant, and the Attorney-General, by Percy M. Cox, his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

I. The First Presbyterian Church of Lebanon, Ky., as a church, was loyal to the Government of the United States throughout the war for the suppression of the rebellion.

II. During the late civil war the military forces of the United States, for their use, took possession of the church building described in the petition at or about the time of the battle of Perryville and used the same at intervals for a period of about two years. The building was first used as a hospital and afterwards as a barracks, and later was a fort for the troops, and while so used and occupied by the military forces of the United States as a fort was fired upon by the Confederate forces under the late Gen. John H. Morgan and the roof and cupola of the church materially damaged, but the extent thereof does not appear.

The reasonable rental value of the church building during such occupancy, together with the damages thereto caused by the military forces of the United States (independently of any damage caused by said Confederate forces under General Morgan), in excess of ordinary wear and tear, was the sum of fifteen hundred dollars ($1,500), of which amount it appears that the claimant has been paid the sum of one hundred and twenty dollars ($120), leaving thirteen hundred and eighty dollars ($1,380) due on account of the use and occupation by the United States military forces and for the damages occasioned by said use and occupation.

III. The claim herein was never presented to any Department of the Government prior to its presentation to Congress and reference to this court by the House of Representatives, as hereinbefore mentioned, and no reason is given why the same was not previously presented to some Department of the Government.

BY THE COURT.

Filed February 11, 1907.

A true copy.
Test this 10th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 334.

FINDINGS IN CASE OF SAMUEL P. MARTIN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FIXED BY THE COURT IN THE CASE OF SAMUEL P. MARTIN AGAINST THE UNITED STATES.

DECEMBER 12, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 9, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 11225. Samuel P. Martin *v.* The United States.]

STATEMENT OF CASE.

This is a claim for services alleged to have been rendered by claimant to the military forces of the United States and for property taken by said forces during the late civil war.

On the 18th day of January, 1903, the House of Representatives by resolution referred to the court, under the provisions of the act of March 3, 1887, known as the Tucker Act, a bill as follows:

"[H. R. 3537, 57th Congress, 1st session.]

"A BILL For the relief of S. P. Martin.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to S. P. Martin, of Anderson County, Kentucky, three hundred and thirty dollars, for property belonging to said Martin taken and consumed by the Army of the United States during the war for the suppression of the rebellion, and to be paid out of any money not otherwise appropriated."

The claimant appeared and filed his petition in this court January 29, 1903. On April 17, 1906, he filed an amended petition in which he made substantially the following allegations: That he is a native citizen of the United States and a resident of Tyrone, Anderson County, Ky., and was loyal to the United States throughout the

civil war; that from October, 1862, until some time in the fall of 1864 he was lessee of Shryrocks Ferry on the Kentucky River, connecting the turnpike between Lawrenceburg and Versailles, Ky.

That from October 1, 1862, until the fall of 1864 he ferried over the Kentucky River 5,000 cavalry and 1,000 infantry, all soldiers of the United States, and received no pay therefor; that in the year 1864 United States troops used for fuel three large coal barges belonging to claimant, 16 by 18 feet, and valued at $125 each: that in July, 1863, a detachment of Union troops destroyed one large ferryboat belonging to claimant, 12 by 65 feet, and valued at $350, and one smaller ferryboat, 12 by 34 feet, valued at $100; that in 1864 the Union troops destroyed two large ferryboats, 12 by 65 feet, belonging to claimant and valued at $350 each; that some time in 1862 United States troops destroyed two large ferryboats, 12 by 65 feet, belonging to claimant, valued at $350 each; that the total claim of Samuel P. Martin by reason of the use of this ferry and his coal barges by Union troops and the destruction of his ferryboats as aforesaid was as follows:

Ferrying troops across the Kentucky River	$1,100.00
Value of coal barges taken for fuel	375.00
Value of ferryboats seized and destroyed	1,850.00
Amounting in all to	3,325.00

On a preliminary hearing the court, on the 13th day of November, 1905, found that Samuel P. Martin, the person from whom it is alleged the property herein claimed for was taken, was loyal to the United States throughout the late civil war.

The case was brought to a hearing on merits on the 28th day of October, 1907.

Charles W. Clagett, esq., appeared for the claimant, and the Attorney-General, by W. W. Scott, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. Samuel P. Martin was loyal to the Government of the United States throughout the late civil war, as heretofore, on November 13, 1905, found by the court.

II. During the late civil war the claimant herein was the lessee of certain ferryboats described in the petition plying across the Kentucky River and connecting the turnpike between Lawrenceburg and Versailles, Ky., over which he ferried United States troops at various times from October 1, 1862, to the fall of 1864.

III. During said period the military forces of the United States took from said claimant certain ferryboats and coal barges, and destroyed the same and used the material therein contained for fuel, as more particularly set forth in the petition.

IV. The reasonable value of the said ferryboats so used in transporting troops across the river, together with the value of the boats and barges so destroyed and used as fuel, was the sum of three hundred and thirty dollars ($330), no part of which appears to have been paid.

V. It is contended by the claimant that in 1864 the claim herein was put in the hands of a lawyer for prosecution, but that he lost the papers. In 1884 the claim was presented to the Quartermaster-General and disallowed by the accounting officers of the Treasury on January 7, 1888, for want of sufficient evidence. Thereafter, on January 18, 1903, the House of Representatives, by resolution, referred to the court the claim under the provisions of the act of March 3, 1887 as here inbefore mentioned.

These facts are reported as bearing upon the question whether there has been delay or laches on the part of the claimant in prosecuting his claim.

BY THE COURT.

Filed November 4, 1907.

A true copy:
Test this 7th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 335.

FINDINGS IN CASE OF SCHOONER SALLY, DAVIS, MASTER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER SALLY, TIMOTHY DAVIS, MASTER.

DECEMBER 12, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 11, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Sally*, Timothy Davis, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Sally*, Timothy Davis, master.]

No. of case.	Claimant.
1628.	Charles F. Trask, administrator of Samuel Babson, *v.* The United States.

PRELIMINARY STATEMENT.

This case was tried before the Court of Claims on the 13th day of March, 1907.

The claimants were represented by William T. S. Curtis and Theodore J. Pickett, esqrs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determines the facts to be as follows:

I. The schooner *Sally*, Timothy Davis, master, sailed on a commercial voyage from Guernsey, bound to Dieppe, arriving in the roadstead of the latter place on the 30th day of March, 1797, and on the next day, while peacefully lying in the said road-

stead, was seized by the French privateers *Vengeur*, *Intrépide*, *Eminchet*, and *Audacieux*, and thereafter condemned as good prize for the benefit of the captors by decree of the tribunal of commerce at Dieppe, dated June 5, 1797.

The grounds of condemnation as stated in the decree, were as follows.

That the neutral ownership of the cargo was not proved;

That the vessel's rôle d'équipage was not in good form.

II. The *Sally* was a duly registered vessel of the United States of 57 45/95 tons burthen, built in the State of Massachusetts prior to the 16th day of May, 1789, and was owned solely by Samuel Babson, a citizen of the United States, residing at Gloucester, Mass.

III. The cargo of the *Sally* at the date of seizure consisted of 50 puncheons of brandy and 60 casks of wine, and was owned by Alexander Fraser, of Boston. The value of the cargo does not appear, nor is any claim filed therefor.

IV. The loss to Samuel Babson by reason of the seizure and condemnation of the *Sally* was as follows:

Value of the vessel	$1,650
Freight earnings	950
Amounting in all to	2,600

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Sally*, as set forth in the preceding findings.

Said claim was not embraced in the convention between the United States and the Republic of France, concluded on the 30th of April, 1803. This was not a claim growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and was not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimant in his representative capacity is the owner of said claim, which has never been assigned, except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claim was relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimant is entitled to the following sums from the United States:

Charles F. Trask, administrator of Samuel Babson, two thousand six hundred dollars $2,600.00

Amounting in all to twenty-six hundred dollars.

The owner of the cargo is not in court.

By THE COURT.

Filed April 1, 1907.

A true copy,

Test this 11th day of December, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 336.

FINDINGS IN CASE OF SCHOONER LIBERTY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER LIBERTY, ASA WILLIAMS, MASTER.

DECEMBER 12, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 11, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Liberty*, Asa Williams, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 263. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Liberty*, Asa Williams, master.]

No. of case.	Claimant.
58.	Edmund D. Codman, administrator of the estate of William Gray, jr., deceased, *v.* The United States.
2133.	David Greene Haskins, jr., administrator of the estate of David Greene, deceased, *v.* The United States.
2208.	Brooks Adams, administrator of the estate of Peter Chardon Brooks, deceased, *v.* The United States.
3334.	George G. King, administrator of the estate of Crowell Hatch, deceased, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 14th day of March, 1907. The claimants were represented by Charles W. Clagett, William T. S. Curtis, and Theodore J. Pickett, esqrs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Liberty*, Asa Williams, master, sailed on a commercial voyage from Port au Prince to New England in December, 1796. While peacefully pursuing

said voyage the *Liberty* was captured on the high seas on the 12th day of December, 1796, by the French barge *Le Poisson Vollant*, Captain Duluc. Said vessel was condemned in the year 1797 by the commission of the executive directory sitting at Cape Francois, whereby the same became a total loss to the owners.

The grounds of condemnation as set forth in the decree were as follows:

1. That the official papers of said schooner established conclusively that the said schooner departed from two ports of the colony of San Domingo in rebellion against the laws of the French Republic and under the protection of the British Government.

2. That Mole, St. Nicholas and Port au Prince, from which the said schooner departed, are of those ports declared in a state of permanent blockade by the decree of the commission.

II. The *Liberty* was a duly registered vessel of the United States, of 115 tons and 64 feet burthen; was built at Penobscot, in the State of Massachusetts (now Maine), in the year 1794, and was owned by David Greene, of Boston, a citizen of the United States.

III. At the time of capture of the *Liberty* she was returning from Port au Prince to New England in ballast.

IV. The losses to David Greene by reason of the capture and condemnation of the *Liberty* were as follows:

Value of the vessel	$4,600
Premium of insurance paid	360
Amounting in all to	4,960
Deduct insurance received	3,000
Net loss	1,960

V. On the 26th day of October, 1796, David Greene effected, through the office of Peter C. Brooks, insurance in the sum of $5,000 on the vessel, freight, and cargo, paying therefor a premium of 12 per cent.

Of this insurance, $3,000 was specified to be on the vessel, and by the terms of the policy the first underwritten thereon to the extent of said $3,000 were to be held liable for the loss on the vessel, there being no loss on freight or cargo. The underwriters so held to be liable, and the amounts underwritten by them, were as follows, viz:

Crowell Hatch	$500	Caleb Hopkins	$500
Tuthill Hubbart	500	Stephen Gorham	500
William Smith	500	John Brazer	500

All of the said underwriters were citizens of the United States.

On the 23d day of August, 1797, Peter C. Brooks, as agent, duly paid the said David Greene the sum of $3,000 as and for a total loss on the vessel, and no payment was made by the underwriters on the freight and cargo.

VI. On April 4, 1804, the administrators of said Tuthill Hubbart, for and in consideration of $60,000 to them paid by Peter C. Brooks and the assumption by said Brooks of any and all liabilities and disadvantages arising from the underwriting of said Hubbart in the office of said Brooks, assigned to said Brooks all the right, title, and interest in and to all insurance done by said Hubbart as an underwriter in the office of said Brooks.

On December 16, 1801, William Smith, in consideration of $3,715.50 paid to him by Peter C. Brooks and the assumption of all and any liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to the said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

On December 8, 1801, the administrator of the estate of Caleb Hopkins, in consideration of $3,000 paid to him by Peter C. Brooks and the assumption by the said Brooks of any and all liabilities and disadvantages arising from the underwriting of Caleb Hopkins in the office of said Brooks, assigned to the said Brooks all his intestate's right, title, and interest in and to all insurance done by said intestate as an underwriter in the office of said Brooks.

On November 21, 1801, Stephen Gorham, in consideration of $2,986.65 to him paid by Peter C. Brooks and the assumption of said Brooks of any and all liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to the said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

On September 4, 1804, John Brazer, for and in consideration of $5,708 paid by Peter C. Brooks and the assumption of said Brooks of any liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to the

said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Liberty* as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

Brooks Adams, administrator of the estate of Peter Chardon Brooks, deceased, two thousand five hundred dollars	$2,500.00
George G. King, administrator of the estate of Crowell Hatch, deceased, five hundred dollars	500.00
David Greene Haskins, administrator of the estate of David Greene, deceased, one thousand nine hundred and sixty dollars	1,960.00
Amounting in all to four thousand nine hundred and sixty dollars	4,960.00

The other claimants herein have proved no valid claims.

There being no cargo on board at the time of capture, there is no allowance made for freight earnings herein.

BY THE COURT.

Filed April 1, 1907.

A true copy.
Test this 11th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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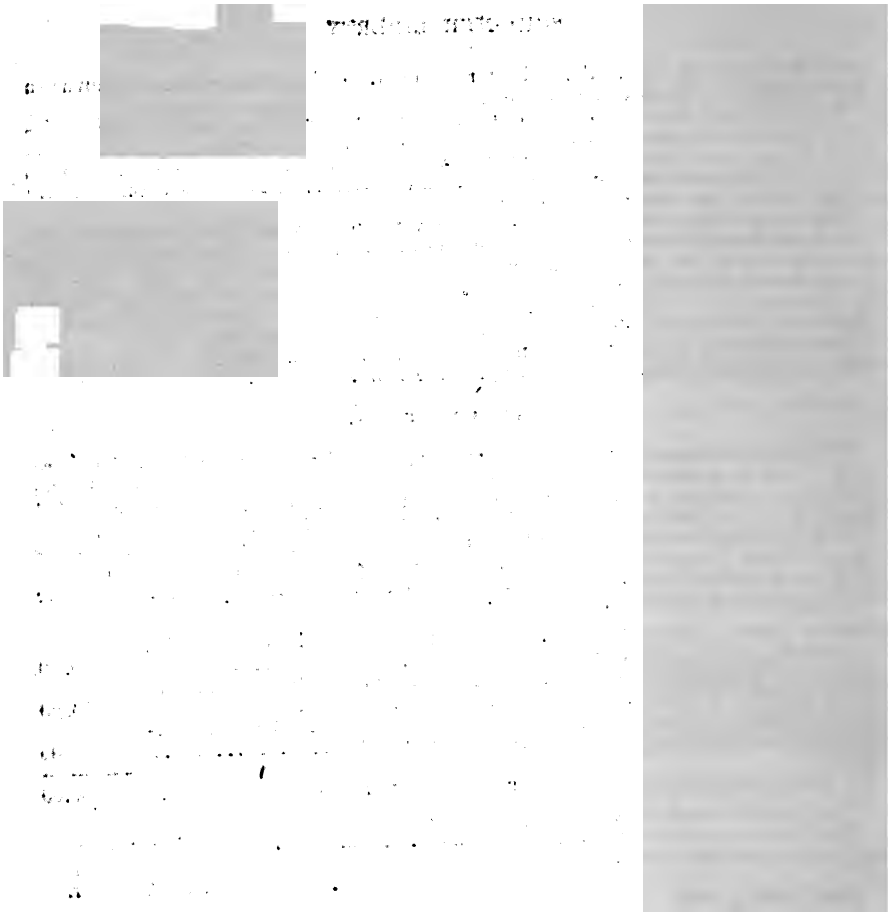

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 337.

FINDINGS IN CASE OF SCHOONER GREYHOUND.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER GREYHOUND, SYLVANUS SNOW, MASTER.

DECEMBER 12, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 11, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Greyhound*, Sylvanus Snow, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

HON. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Greyhound*, Sylvanus Snow, master.]

No. of case.	Claimant.
1653.	George C. King, administrator of Crowell Hatch, *v.* The United States.
1811.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.
	A. Lawrence Lowell, administrator of Nathaniel Fellowes, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 12th day of March, 1907. The claimants were represented by William T. S. Curtis and Theodore J. Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determines the facts to be as follows:

I. The schooner *Greyhound*, Sylvanus Snow, master, sailed on a commercial voyage February 14, 1798, from Newbern, N. C., bound for St. Bartholomew. While peacefully pursuing said voyage she was seized on the high seas April 10, 1798, by the French privateer *Le Destin*, Captain Augusto, and the master taken from on board his vessel and put ashore at St. Martins, and, not being provided with means of sustenance, was obliged by motives of self-preservation to leave St. Martins before the

disposition of his vessel and cargo was known. Said vessel and cargo were afterwards condemned and sold at St. Martins, and various attempts were made to get a copy of her condemnation, but the authorities refused to give such copy. The grounds upon which said vessel and cargo were condemned do not appear.

II. The *Greyhound* was a duly registered vessel of the United States of 35$\frac{59}{95}$ ton burden, built at Hingham, Mass., in the year 1784, and owned solely by Sylvanus Snow, jr., a citizen of the United States.

III. The value of the vessel and the freight earnings were $1,450, for which insurance was effected as set out below.

IV. May 14, 1798, Sylvanus Snow, jr., owner of vessel and freight, effected insurance on said vessel and freight in the office of Peter C. Brooks, insurance broker, of Boston, to the amount of $1,450 ($750 on vessel and $700 on freight), paying therefor a premium of 25 per cent, said policy being underwritten by the following-named persons, each in the sum set opposite their names, respectively:

Crowell Hatch	$700.00
Nathaniel Fellowes	750.00

Thereafter Peter C. Brooks, as agent, duly paid the said assured the sum of $1,450, being in full for a total loss on said policy by reason of the premises.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are, in fact, the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Greyhound*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

George G. King, administrator of Crowell Hatch, seven hundred dollars	$700.00
A. Lawrence Lowell, administrator of Nathaniel Fellowes, seven hundred and fifty dollars	750.00
Amounting in all to one thousand four hundred and fifty dollars	1,450.00

The owners of vessel, cargo, and freight are not in court.

BY THE COURT.

Filed March 18, 1907.

A true copy.
Test this 11th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 338.

FINDINGS IN CASE OF SCHOONER HIRAM.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER HIRAM, EBENEZER BARKER, MASTER.

DECEMBER 12, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 11, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Hiram*, Ebenezer Barker, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Hiram*, Ebenezer Barker, master.]

No. of case.	Claimant.
5551.	Moses Sherwood, administrator of the estate of David Coley, jr., deceased, *v.* The United States.

PRELIMINARY STATEMENT.

This case was tried before the Court of Claims on the 14th day of November, 1907. The claimants were represented by Charles W. Clagett, esq., and the United States, defendants, by the Attorney-General through his assistants in the Department of Justice, John W. Trainer and Stanhope Henry, esqs., with whom was Assistant Attorney-General J. A. Van Orsdel.

FINDINGS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Hiram*, Ebenezer Barker, master, sailed on a commercial voyage in the year 1798, bound for Martinique. While peacefully pursuing said voyage on the high seas the *Hiram* was captured by the French privateer *Le Pelletier*.

On the 26th day of July, 1798, the *Hiram* was condemned by the tribunal of prizes at Guadaloupe on the following grounds:

First. That she was documented for Martinique.

Second. That she had neither invoice nor bill of lading and that her rôle d'équipage was not in order.

II. The *Hiram* was a duly registered vessel of the United States of 80$\frac{88}{95}$ tons burthen; was built at Stratford, Conn., in 1785, and was owned by David Coley, jr., a citizen of the United States.

III. The decree of condemnation shows that there was a cargo on board at the time of capture, but what it consisted of and to whom it belonged does not appear.

IV. The loss of David Coley, jr., by reason of the capture and condemnation of the *Hiram* was as follows:

Value of the vessel $2,000.00

No allowance is made for cargo, as it is not shown of what it consisted or who the owners were, and for the same reason no allowance is made for freight.

The claimant has produced letters of administration on the estate of the party for whom he appears, and has otherwise proved to the satisfaction of the court that the person for whose estate he has filed claim is in fact the same person who suffered loss by reason of the seizure and condemnation of the schooner *Hiram*, as set forth in the preceding findings.

Said claim was not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. It was not a claim growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and was not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimant in his representative capacity is the owner of said claim, which has never been assigned except as aforesaid.

CONCLUSIONS OF FACT.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claim was relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimant is entitled to the following sum from the United States:

Moses Sherwood, administrator for the estate of David Coley, jr., two thousand dollars $2,000.00

Two thousand dollars.

BY THE COURT.

Filed December 2, 1907.

A true copy.
Test this 11th day of December, 1907.
[SEAL]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 339.

FINDINGS IN CASE OF SCHOONER NEPTUNE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER NEPTUNE, COMFORT BIRD, MASTER.

DECEMBER 12, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 11, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Neptune*, Comfort Bird, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Neptune*, Comfort Bird, master.]

No. of case.	Claimant.
201.	Brooks, Adams, administrator of Peter C. Brooks, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
	Frank Dabney, administrator of Samuel W. Pomeroy, *v.* The United States.
521.	Brooks Adams, administrator of Peter C. Brooks, *v.* The United States.
	A. Lawrence Lowell, administrator of Nathaniel Fellowes, *v.* The United States.
1502.	James G. Freeman, receiver of the Boston Marine Insurance Company, *v.* The United States.
1934.	George G. King, administrator of Crowell Hatch, *v.* The United States.
2227.	Francis M. Boutwell, administrator of Abraham Touro, *v.* The United States.
	Francis M. Boutwell, administrator of John McLean, *v.* The United States.
	William Smith Carter, administrator of William Smith, *v.* The United States.
	John Lowell, administrator of Tuthill Hubbart, *v.* The United States.
3756.	Archibald M. Howe, administrator of Francis Green, *v.* The United States.
5269.	Samuel Abbott Fowle, administrator of George Makepeace, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 13th day of March, 1907. The claimants were represented by William T. S. Curtis, Theodore J. Pickett, Frank W. Hackett, and Charles W. Clagett, esqrs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General, J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same, with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Neptune*, Comfort Bird, master, sailed on a commercial voyage March 27, 1800, from Boston, bound to St. Bartholomew. While peacefully pursuing said voyage she was seized on the high seas April 24, 1800, by the French privateer *Unique*, Lafitte, commander, who took from the *Neptune* her master, mate, and two men and detained them on board the privateer until the latter arrived at Basseterre, Guadeloupe, on the 5th day of May following, when they were put in prison. While in the possession of the privateer the *Neptune* was robbed of eight bales of dry goods, some butter, candles, soap, oil, shoes, hams, potatoes, crackers, a trunk of ladies' sandals, a trunk of Indian cottons, gloves, etc., composing a part of her cargo, and all the ship's papers were carried away by the privateer. A prize master and crew were then placed on the *Neptune* with orders to carry her to Basseterre, Guadeloupe, and while so proceeding she was retaken on the 3d day of the said month of May by the English privateer *Peggy*, Peter Christian, commander, and carried to St. John on the island of Antigua, and vessel and cargo condemned, by the court of vice-admiralty there sitting, to pay a salvage of one-half the true value thereof, together with all costs and charges.

II. The *Neptune* was a duly registered vessel of the United States of 53$\frac{33}{95}$ tons, built in Massachusetts in the year 1784, and owned solely by Israel Jenkins and Calvin Turner, citizens of the United States.

III. The cargo of the *Neptune* at the time of seizure consisted of beef, hearts, bread, brandy, cheese, fish, dry goods, lumber, shingles, staves, pork, bacon, soap, shoes, and wine, and was owned by George Makepeace, Martin Blake, Charles Sigourney, Freeborn Sisson, Asa Hammond, I. & I. Jenkins, John Fowle, Nathan Tufts, and Comfort Bird, all of whom were citizens of the United States, and by Eben Francis, Henry Lee, Augustus Lovett, Ebenezer Barker, and Samuel Bright, whose American citizenship is not established.

IV. The loss suffered by George Makepeace, by reason of the seizure of the *Neptune*, was as follows, viz:

Value of 4 bales dry goods and 179 pounds cheese	$1,509.86
Premium of insurance paid	180.00
Amounting in all to	1,689.86
Deduct insurance received	1,200.00
Net loss	489.86

V. May 13, 1800, George Makepeace effected in the office of Peter C. Brooks insurance on his merchandise in the sum of $1,200, paying therefor a premium of 15 per cent, said policy being underwritten by the following persons, citizens of the United States, each in the sum set opposite his name, viz:

John C. Jones	$600.00
Samuel W. Pomeroy	600.00

Thereafter said Peter C. Brooks, as agent, duly paid the said insured the sum of $1,200, being in full for a total loss arising by reason of the robbery by the French and payment of salvage.

April 9, 1800, Israel Jenkins, Comfort Bird, John Fowle, and Nathan Tufts effected in the office of Peter C. Brooks insurance on the vessel and their merchandise in the sum of $4,000, apportioned as follows: For Isreal Jenkins, $2,330; for Comfort Bird, $1,200; for John Fowle, $270; for Nathan Tufts, $200. The premium paid was 20 per cent, the policy being underwritten by the following persons, citizens of the United States, each in the sum set opposite his name, viz:

Crowell Hatch	$1,000.00
Tuthill Hubbart	1,000.00
Cornelius Durant	1,000.00
Benjamin Homer	500.00
Nathaniel Fellowes	500.00

Thereafter said Peter C. Brooks, as agent, duly paid the said insured the sum of $3,494.73, but this payment included $88.20, the value of the deck load of lumber owned by Comfort Bird and Isreal Jenkins and thrown overboard in a storm and for which loss the French could not be held responsible. The underwriters on this p t re entitled to recover but $3,406.53 by reason of the seizure by the

French, being 85.163 per cent of the amount underwritten by them, respectively. Their losses on this policy are therefore as follows, viz:

Crowell Hatch	$851.63
Tuthill Hubbart	851.63
Cornelius Durant	851.63
Benjamin Homer	425.82
Nathaniel Fellowes	425.82

The value of the property at risk exceeded the amount for which insured, and the loss paid by the underwriters arose from the robbery by the French and payment of salvage.

March 21, 1800, Charles Sigourney and Martin Blake procured from the Boston Marine Insurance Company insurance on their merchandise in the sum of $1,300, paying therefor a premium of 9 per cent. Thereafter the Boston Marine Insurance Company duly paid the said insured $1,300, being in full for a total loss by reason of the robbery by the French and payment of salvage. The value of the property at risk exceeded the amount for which insured.

March 31, 1800, Asa Hammond effected in the office of Abraham Touro insurance on his merchandise in the sum of $1,200, paying therefor a premium of 18 per cent, said policy being underwritten by the following persons, citizens of the United States, each in the sum set opposite his name, viz:

William Smith	$600.00
Tuthill Hubbart	600.00

Thereafter Abraham Touro, as agent, paid the insured the sum of $1,064 for a loss by reason of the robbery by the French and payment of salvage. The value of the property at risk exceeded the sum for which insured.

Each of the above-named underwriters suffered a loss of $532.00 on this policy.

April 10, 1800, Freeborn Sisson effected in the office of Abraham Touro insurance on his merchandise in the sum of $300, paying therefor a premium of 12½ per cent, said policy being underwritten by the following person, a citizen of the United States:

John McLean	$300.00

Thereafter Abraham Touro, as agent, duly paid the said insured the sum of $266 for a loss on this policy by reason of the robbery by the French and payment of salvage. The value of the property at risk exceeded the sum for which insured.

The insurance alleged to have been effected in the office of Abraham Touro by Ebenezer Barker, Samuel Bright, and William Howard, on which Charles Paine and Francis Greene were underwriters, is not established by competent evidence.

April 4, 1808, the administrators of Tuthill Hubbart, in consideration of $60,000 to them paid by Peter C. Brooks, and the assumption by the said Brooks of all and any liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to the said Brooks all the right, title, and interest in and to all insurance done by the said Hubbart as an underwriter in the office of the said Brooks.

January 7, 1804, Cornelius Durant, for and in consideration of $181.77 to him paid by Peter C. Brooks and the assumption by the said Brooks of any and all liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

July 23, 1805, Benjamin Homer, in consideration of $5,000 to him paid by Peter C. Brooks and the assumption by the said Brooks of any and all liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Neptune*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Brooks Adams, administrator of Peter C. Brooks, two thousand one hundred and twenty-nine dollars and eight cents	$2,129.08
George G. King, administrator of Crowell Hatch, eight hundred and fifty-one dollars and sixty-three cents	851.63
A. Lawrence Lowell, administrator of Nathaniel Fellowes, four hundred and twenty-five dollars and eighty-two cents	425.82
Thomas N. Perkins, administrator of John C. Jones, six hundred dollars	600.00
Frank Dabney, administrator of Samuel W. Pomeroy, six hundred dollars	600.00
James G. Freeman, receiver of the Boston Marine Insurance Company, one thousand three hundred dollars	1,300.00
William S. Carter, administrator of William Smith, five hundred and thirty-two dollars	532.00
John Lowell, administrator of Tuthill Hubbart, five hundred and thirty-two dollars	532.00
Francis M. Boutwell, administrator of John McLean, two hundred and sixty-six dollars	266.00
Samuel Abbott Fowle, administrator of George Makepeace, four hundred and eighty-nine dollars and eighty-six cents	489.86
Amounting in all to seven thousand seven hundred and twenty-six dollars and thirty-nine cents	7,726.39

The owners of the vessel and cargo (with the exception of George Makepeace) are not in court.

BY THE COURT.

Filed April 1, 1907.

A true copy.
Test this 11th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 340.

FINDINGS IN CASE OF SCHOONER LITTLE FANNY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER LITTLE FANNY, PETER FOSDICK, MASTER.

DECEMBER 12, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 11, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Little Fanny*, Peter Fosdick, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Little Fanny*, Peter Fosdick, master.]

No. of case.	Claimant.
657.	Elijah K. Hubbard, administrator of Jacob Sebor, *v.* The United States.
865.	The President and Directors of the Insurance Company of North America *v.* The United States.
917.	Richard Irwin, administrator of James Scott, *v.* The United States.
1256.	T. B. Bleeker, jr., and Charles C. Leary, receivers of the New York Insurance Company, *v.* The United States.
1446.	The Pennsylvania Company of Insurance for Lives, etc., administrator of Thomas M. Willing, *v.* The United States.
	William Brooke-Rawle, administrator of Jesse Waln, *v.* The United States.
	Samuel Bell, administrator of John G. Wachsmuth, *v.* The United States.
	George Blight, administrator of Peter Blight, *v.* The United States.
	Thomas F. Bayard, administrator of Thomas W. Francis, *v.* The United States.
	George Willing, administrator of George Willing, *v.* The United States.
	Robert W. Smith, administrator of Robert Smith, *v.* The United States.
	Charles D. Vasse, administrator of Ambrose Vasse, *v.* The United States.
	Charles Prager, administrator of Mark Prager, *v.* The United States.
	Crawford Dawes Henning, administrator of James Crawford, *v.* The United States.
	Francis R. Pemberton, administrator of John Clifford, *v.* The United States.
	Crawford Dawes Henning, administrator of Abijah Dawes, *v.* The United States.
	A. Louis Eakin, administrator of Chandler Price, *v.* The United States.
1682.	Henry E. Young, administrator of William Craig, *v.* The United States.
2148.	Joseph Ogden, surviving executor, etc., of Jane Ann Ferrers, *v.* The United States.

No. of case.	Claimant.
2701.	George F. Scriba, administrator of George Scriba, *v.* The United States.
4270.	Samuel J. Randall, administrator of Matthew Randall, *v.* The United States.
5189.	Joseph Ogden, surviving executor, etc., of Jane Ann Ferrers, *v.* The United States.
5190.	Joseph Ogden, surviving executor, etc., of Jane Ann Ferrers, *v.* The United States.
5419.	Henry Ogden, administrator of James Seton, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 12th day of November, 1907.

The claimants were represented by William T. S. Curtis, Theodore J. Pickett, and Thomas Stokes, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

FINDINGS OF FACT.

The court, upon the evidence, and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Little Fanny*, whereof Peter Fosdick was then master, sailed on a commercial voyage on or about December 8, 1798, bound for Surinam, where she duly arrived, and sailed from thence early in the month of April, 1799, bound for Philadelphia. While peacefully pursuing her said voyage to Philadelphia she was seized on the high seas by the French privateer *Alliance* and conducted to St. Johns, P. R. Thereafter, to wit, June 9, 1799, both vessel and cargo were condemned as good prize by decree of the tribunal of commerce and prizes sitting at Basseterre in the island of Guadeloupe, and ordered sold for the benefit of the captors, whereby the same became a total loss to the owners thereof.

The grounds of condemnation as stated in the decree were as follows, to wit:

"That the vessel carried a commission from the President of the United States.

"That according to the rôle d'équipage it appears that Benjamin Lewis, supercargo of the vessel, is an Englishman, and that there does not exist any document which proves that he is a naturalized citizen of the United States as is stated in the rôle d'équipage, as there has not been found any paper proving since what time he has become an American, and at what time he has transferred his residence to the United States.

"That among the papers delivered by the captain at the time of his seizure there was no sea-letter, invoice, nor bill of lading, except a bill of lading relating to a previous voyage."

II. The *Little Fanny* was a duly registered vessel of the United States of 102$\frac{4}{95}$ tons burthen, built in the State of Virginia in the year 1795, and owned solely by Matthew Randall, a citizen of the United States, residing in Philadelphia.

III. The cargo of the *Little Fanny* at the time of said seizure consisted of salt, beef, hams, corn, and similar articles, together with coffee and cotton, but the neutrality and ownership of the same is not established by competent evidence.

IV. The losses to said Matthew Randall by reason of the seizure and condemnation of said vessel were as follows:

Value of vessel	$4,080
Freight earnings	1,700
Premium of insurance paid (excluding premium on insurance effected after capture)	400
Amounting in all to	6,180
Deduct insurance received	3,920
Net loss	2,260

V. December 11, 1798, Matthew Randall effected, through the office of Wharton & Lewis, insurance on the vessel in the sum of $2,000, paying therefor a premium of 20 per cent, said policy being underwritten by the following persons, each in the sum set opposite his name, viz:

James Yard	$1,000
Simon Walker	500
Ambrose Vasse	500

Thereafter Wharton & Lewis, as agents, paid the insured $1,960, being in full for total loss on the above policy, less the customary abatement of 2 per cent.

May 6, 1799, Matthew Randall effected insurance through the office of Wharton & Lewis on the vessel in the sum of $2,000, paying therefor a premium of 10 per cent, said policy being underwritten by the following persons, each in the sum set opposite his name, viz:

Pragers & Co	$1,000
Peter Blight	1,000

Thereafter Wharton & Lewis, as agents, paid the insured $1,960, being in full for a total loss on the above policy, less the customary abatement of 2 per cent.

There was also effected by Matthew Randall insurance on the cargo in the offices of Wharton & Lewis, of John Ferrers, insurance broker of New York, the Insurance Company of North America, and the New York Insurance Company, but the neutrality of the cargo not having been shown no recovery can be had for insurance effected thereon.

There was also effected by Matthew Randall insurance on the freight of said vessel in the office of John Ferrers, of New York, the same being underwritten by various persons, but no proof of the payment of said policy is shown.

The firm of Pragers & Co. was composed of Mark Prager, jr., and John Prager. Mark Prager, jr., was the surviving partner.

Ambrose Vasse, Pragers & Co., and Peter Blight, insurers on the above policies, were citizens of the United States.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnatoin of the schooner *Little Fanny* as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants in their representative capacity are the owners of said claims which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that the seizure and condemnation of the cargo were legal and claimants are not entitled to recover therefor under the authority of the *Betsey*, Wyman (36 C. Cls. R., 256); that the seizure and condemnation of the vessel were illegal and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Samuel J. Randall, administrator of Matthew Randall, two thousand two hundred and sixty dollars	$2,260.00
Charles D. Vasse, administrator of Ambrose Vasse, four hundred and ninety dollars	490.00
Charles Prager, administrator of Mark Prager, jr., for and on behalf of Pragers & Co., nine hundred and eighty dollars	980.00
Francis A. Lewis, administrator of Peter Blight, nine hundred and eighty dollars	980.00
Amounting in all to four thousand seven hundred and ten dollars	4,710.00

James Yard and Simon Walker, underwriters on the above-named policy, are not in court.

The other claimants herein have proved no valid claims.

BY THE COURT.

Filed December 2, 1907.
A true copy.
Test this 11th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 341.

FINDINGS IN CASE OF SCHOONER BENJA.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER BENJA, SAMUEL O. ROW, MASTER.

DECEMBER 12, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 11, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Benja*, Samuel O. Row, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Benja*, Samuel O. Row, master.]

No. of case.	Claimant.
301.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.
2244.	George G. King, administrator of Crowell Hatch, *v.* The United States.
2999.	Nathan Matthews, jr., administrator of Daniel Sargent, *v.* The United States.
	Chandler Robbins, administrator of Joseph Russell, surviving partner of Jeffrey & Russel, *v.* The United States.
3462.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
	John Lowell, jr., administrator of Tuthill Hubbart, *v.* The United States.
	William G. Perry, administrator of Nicholas Gilman, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 25th day of February, 1907. The claimants were represented by William T S. Curtis and Theodore J. Pickett, and the United States, defendants, by the Attorney-General through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSIONS OF FACT.

I. The schooner *Benja*, whereof Samuel O. Row was master, sailed on a commercial voyage on or about the 1st day of July, 1799, bound to Barbadoes. While peacefully pursuing said voyage she was seized on the high seas on or about the 9th day of August, in the year 1799, by the French privateer *Espoir*, Captain Melse, and carried to the island of Guadaloupe, and on the 13th day of the said month of August, both vessel and cargo were condemned and ordered sold for the benefit of the captors by the tribunal of commerce and prizes sitting at Basseterre, Guadaloupe, whereby they became a total loss to the owners thereof.

The ground of condemnation as set forth in the decree was as follows:

"Considering from the papers analyzed and those examined it is certain that the captain of the said schooner had no rôle d'équipage, but a simple agreement not bearing the signature of any public officer."

II. The *Benja* was a duly registered vessel of the United States of 46$\frac{14}{95}$ tons burthen, built in the State of Mas-achusetts in the year 1798, and was owned solely by Ezra Whitney, a citizen of the United States, residing in Boston, in the said State.

III. The cargo of the *Benja* consisted of beans, candles, fish, flour, rice, and tobacco, and was owned by the said Ezra Whitney and Joseph Clark, likewise a citizen of the United States.

IV. The losses to the owners by reason of the seizure and condemnation of the *Benja* and cargo were as follows:

Value of vessel	$1,840
Value of cargo	2,064
Freight earnings	767
Premiums of insurance paid	666
Amounting in all to	5,357
Deduct insurance received	3,700
Net loss	1,657

V. July 12, 1799, said Joseph Clark effected insurance in the office of Peter C. Brooks in the sum of $1,300 on the cargo and outfits of the said schooner, paying therefor a premium of 18 per cent, by a policy underwritten by the following persons, citizens of the United States, each in the sum set opposite his name, viz:

William Smith	$700
Crowell Hatch	600

November 27, 1799, said Brooks, as agent, duly paid the said assured the amount of said policy, as and for a total loss, the same being a loss to each of said underwriters of the sum subscribed by him.

December 16, 1801, William Smith in consideration of $3,715.50 to him paid by Peter C. Brooks and the assumption by said Brooks of all disadvantages arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of the said Brooks.

VI. July 27, 1799, said Ezra Whitney effected insurance in the office of Joseph Taylor in the sum of $2,400, whereof one-half was on the said vessel and one-half on the cargo, paying therefor a premium of 18 per cent by a policy of insurance underwritten by the following persons, citizens of the United States, each in the sum set opposite his name, viz:

John C. Jones	$500
Jeffrey & Russell	500
Tuthill Hubbart	500
Daniel Sargent	500
Nicholas Gilman	400

December 31, 1799, said Joseph Taylor, as agent, duly paid the said assured the amount of said policy, as and for a total loss, the same being a loss to each of said underwriters of the sum subscribed by him.

The firm of Jeffrey & Russell was composed of Patrick Jeffrey and Joseph Russell, the last named being the survivor of said firm.

VII. The claimants herein have produced letters of administration upon the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in

fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Benja*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th day of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d day of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

Charles F. Adams, administrator of Peter C. Brooks, seven hundred dollars.	$700.00
George G. King, administrator of Crowell Hatch, six hundred dollars	600.00
Thomas N. Perkins, administrator of John C. Jones, five hundred dollars.	500.00
John Lowell, jr., administrator of Tuthill Hubbart, five hundred dollars..	500.00
Chandler Robbins, administrator of Joseph Russell, surviving partner of Jeffrey & Russell, five hundred dollars.....	500.00
Nathan Matthews, jr., administrator of Daniel Sargent, five hundred dollars.	500.00
William G. Perry, administrator of Nicholas Gilman, four hundred dollars.	400.00
Three thousand seven hundred dollars.....	3,700.00

No persons claiming to represent Ezra Whitney and Joseph Clark, owners of the vessel and cargo respectively, have appeared herein.

BY THE COURT.

Filed March 4, 1907.
A true copy.
Test this 11th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 342.

FINDINGS IN CASE OF BRIG FRANKLIN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE BRIG FRANKLIN, ANDREW MORRIS, MASTER.

DECEMBER 12, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 11, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Franklin*, Andrew Morris, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. (Vol. 1, Supplement to R. S., 2d ed., 471.) Vessel brig *Franklin*, Andrew Morris, master.]

No. of case.	Claimant.
744.	The Insurance Company of the State of Pennsylvania *v.* The United States.

PRELIMINARY STATEMENT.

This case was tried before the Court of Claims on the 12th day of November, 1907. The claimants were represented by William T. S. Curtis, Theodore J. Pickett, and Thomas Stokes, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

FINDINGS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The brig *Franklin*, Andrew Morris, master, sailed on a commercial voyage from New York January 17, 1798, bound for St. Bartholomew, and then to French San Domingo. On February 12, 1798, the brig *Franklin* struck a ledge off Antigua, and when clear of the ledge proceeded into St. John for such repairs as might be necessary. She left St. John on February 13, again bound for St. Bartholomew. While

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Brooks Adams, administrator of Peter C. Brooks, two thousand one hundred and twenty-nine dollars and eight cents	$2,129.08
George G. King, administrator of Crowell Hatch, eight hundred and fifty-one dollars and sixty-three cents	851.63
A. Lawrence Lowell, administrator of Nathaniel Fellowes, four hundred and twenty-five dollars and eighty-two cents	425.82
Thomas N. Perkins, administrator of John C. Jones, six hundred dollars	600.00
Frank Dabney, administrator of Samuel W. Pomeroy, six hundred dollars	600.00
James G. Freeman, receiver of the Boston Marine Insurance Company, one thousand three hundred dollars	1,300.00
William S. Carter, administrator of William Smith, five hundred and thirty-two dollars	532.00
John Lowell, administrator of Tuthill Hubbart, five hundred and thirty-two dollars	532.00
Francis M. Boutwell, administrator of John McLean, two hundred and sixty-six dollars	266.00
Samuel Abbott Fowle, administrator of George Makepeace, four hundred and eighty-nine dollars and eighty-six cents	489.86
Amounting in all to seven thousand seven hundred and twenty-six dollars and thirty-nine cents	7,726.39

The owners of the vessel and cargo (with the exception of George Makepeace) are not in court.

BY THE COURT.

Filed April 1, 1907.

A true copy.
Test this 11th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 340.

FINDINGS IN CASE OF SCHOONER LITTLE FANNY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER LITTLE FANNY, PETER FOSDICK, MASTER.

DECEMBER 12, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 11, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Little Fanny*, Peter Fosdick, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Little Fanny*, Peter Fosdick, master.]

No. of case.	Claimant.
657.	Elijah K. Hubbard, administrator of Jacob Sebor, *v.* The United States.
865.	The President and Directors of the Insurance Company of North America *v.* The United States.
917.	Richard Irwin, administrator of James Scott, *v.* The United States.
1256.	T. B. Bleeker, jr., and Charles C. Leary, receivers of the New York Insurance Company, *v.* The United States.
1446.	The Pennsylvania Company of Insurance for Lives, etc., administrator of Thomas M. Willing, *v.* The United States.
	William Brooke-Rawle, administrator of Jesse Waln, *v.* The United States.
	Samuel Bell, administrator of John G. Wachsmuth, *v.* The United States.
	George Blight, administrator of Peter Blight, *v.* The United States.
	Thomas F. Bayard, administrator of Thomas W. Francis, *v.* The United States.
	George Willing, administrator of George Willing, *v.* The United States.
	Robert W. Smith, administrator of Robert Smith, *v.* The United States.
	Charles D. Vasse, administrator of Ambrose Vasse, *v.* The United States.
	Charles Prager, administrator of Mark Prager, *v.* The United States.
	Crawford Dawes Henning, administrator of James Crawford, *v.* The United States.
	Francis R. Pemberton, administrator of John Clifford, *v.* The United States.
	Crawford Dawes Henning, administrator of Abijah Dawes, *v.* The United States.
	A. Louis Eakin, administrator of Chandler Price, *v.* The United States.
1682.	Henry E. Young, administrator of William Craig, *v.* The United States.
2148.	Joseph Ogden, surviving executor, etc., of Jane Ann Ferrers, *v.* The United States.

)8, by the French privateer *L' Union*, Capt. Andrew Scean (or Sceau), and car-
.nto Port de Paix. On April 13, 1798, vessel and cargo were condemned by the
ch tribunal of prize sitting at Cape Francais. The grounds of condemnation, as
:d in the decree, were as follows:

Considering that there does result from the papers, as well maritime as commer-
of the said brig, the undeniable proof that she was bound for Port au Prince and
Mole;

Considering that Port au Prince and the Mole are ports rebels to the Republic,
en up to the British, occupied and defended by the emigrants under the protec-
n of the British Government;

"Considering, finally, that the decree of the commission delegated by the French
overnment to the Leeward Islands, dated the 6 Nivose by the fifth year, and con-
rmed by the decree of the commission, dated the 27th Vendemaire last, does declare
) be good prize all neutral vessels taken bound to or from the ports of the Wind-
/ard and Leeward Islands, given up to the English, occupied and defended by the
:migrants."

II. The brig *Eliza* was a duly registered vessel of the United States, of 134 tons burden, built at Falmouth, Mass., in the year 1793, and was owned solely by Herman Bake and John Testart, citizens of the United States, composing the firm of Bake & Testart.

The value of the vessel and freight was at least the amount of insurance effected thereon.

III. The cargo of the brig *Eliza* at the time of her capture consisted of flour, oil, gin, brandy, salmon, candles, soap, tea, lard, hams, sausages, almonds, marble mortars, herring, claret, looking-glasses, playing cards, traveling cases, glassware, cheese, fruits, meats, perfumery, sweetmeats, and hair powder.

John G. Wachsmuth, a citizen of the United States, was the owner of an invoice consisting of 270 baskets of fine oil and 64 cases of red wine, composing a part of the cargo. The value of this invoice, estimated from prices current, was $2,793.

Lewis Clapier, a citizen of the United States, was the owner of an invoice composing part of said cargo, consisting of miscellaneous articles, of merchandise, none of which were contraband, the value of which was $17,719.83, excluding charges and premiums of insurance.

IV. The loss to the said John G. Wachsmuth consisted of the value of the cargo shipped by him, amounting to $2,793.

No claim for loss is filed by Herman Bake and John Testart, the owners of this vessel, or Lewis Clapier, owner of part of the cargo.

V. March 7, 1798, Bake & Testart effected in the office of the Insurance Company of North America insurance on the vessel in the sum of $5,000, paying therefor a premium of 28 per cent.

Thereafter, July 3, 1798, the said insurance company paid to the said insured the sum of $4,900, being in full for a total loss, less the customary abatement of 2 per cent.

On March 7, 1798, Bake & Testart effected in the office of the Insurance Company of North America insurance on the freight in the sum of $2,000, paying therefor a premium of 28 per cent.

Thereafter, July 3, 1798, the said insurance company paid to the said insured the sum of $1,960, being in full for a total loss, less the customary abatement of 2 per cent.

March 3, 1798, Lewis Clapier effected insurance on his portion of the cargo in the sum of $22,000, paying therefor a premium of 15 per cent. Of this insurance $20,000 was effected in the office of the Insurance Company of the State of Pennsylvania. It does not appear where the remaining $2,000 was insured, nor have any claims been filed therefor.

Thereafter, July 2, 1798, the said insurance company duly paid the said insured the sum of $18,906.64 in full for a total loss, which was an overpayment of $1,186.81, the value of the cargo being $17,719.83.

The Insurance Company of North America was duly incorporated under the laws of the State of Pennsylvania and empowered to carry on the business of marine insurance.

The Insurance Company of the State of Pennsylvania was duly incorporated under the laws of the State of Pennsylvania and empowered to carry on the business of marine insurance.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the brig *Eliza*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France, concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain, concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

Samuel Bell, administrator, etc., of John Godfrey Wachsmuth, two thousand seven hundred and ninety-three dollars	$2,793.00
The president and directors of the Insurance Company of North America, six thousand eight hundred and sixty dollars	6,860.00
The Insurance Company of the State of Pennsylvania, seventeen thousand seven hundred and nineteen dollars and eighty-three cents	17,719.83
Amounting in all to twenty-seven thousand three hundred and seventy-two dollars and eighty-three cents	27,372.83

BY THE COURT.

Filed December 2, 1907.
A true copy.
Test this 11th day of December A. D., 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 344.

FINDINGS IN CASE OF BRIG DOVE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE BRIG DOVE, WM. McN. WATTS, MASTER.

DECEMBER 12, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 11, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Dove*, William McN. Watts, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Dove*, William McN. Watts, master.]

No. of case.	Claimant.
291.	Brooks Adams, administrator of Peter C. Brooks, *v.* The United States.
	A. Lawrence Lowell, administrator of Nathaniel Fellowes, *v.* The United States.
1900.	George G. King, administrator of Crowell Hatch, *v.* The United States.
3010.	Francis M. Boutwell, administrator of Thomas Geyer, *v.* The United States.
3493.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	William R. Trask, administrator of Thomas Amory, *v.* The United States.
	William G. Perry, administrator of Nicholas Gilman, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 13th day of March, 1907. The claimants were represented by William T. S. Curtis and Theodore J. Pickett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The brig *Dove*, William McN. Watts, master, sailed on a commercial voyage from Edenton, N. C., on or about May 4, 1798, bound to St. Croix. While peacefully pursuing said voyage she was seized on the high seas May 29, 1798, by the

French privateer *Neptune*, John Jacque, master, taken to St. Martins, and afterwards condemned as good prize June 22, 1798, by the tribunal of commerce sitting at Basseterre, in the island of Guadeloupe, whereby a loss arose on both vessel and cargo to the owners thereof.

The sole ground of condemnation, as set forth in the decree, was that the vessel's rôle d'equipage was not signed by a marine officer.

II. The *Dove* was a duly registered vessel of the United States, of 94 14/95 tons burthen, built in Massachusetts in the year 1796, and owned solely by Thomas Geyer, a citizen of the United States residing in Boston.

III. The cargo of the *Dove* consisted of shingles, boards, beef, fish, pork, flour, Indian corn, meal, hams, apple sauce, boots, shoes, dry goods, and live hogs, and was owned by said Thomas Geyer and William McN. Watts, master of the vessel.

IV. The losses to said Thomas Geyer, as far as shown by the evidence, by reason of the seizure and condemnation of the *Dove* were as follows:

Loss on vessel	$2,000.00
Value of his portion of cargo	3,301.75
Freight earnings	1,183.00
Premium of insurance paid	1,500.00
Amounting in all to	7,984.75
Deduct insurance received	5,000.00
Net loss	2,984.75

It appears from the evidence that subsequent to the sale of the *Dove* under the decree of the prize court she was reregistered at Boston in the name of said Thomas Geyer and one Frederick W. Geyer, jr., on December 6, 1798. It likewise appears that the underwriters who insured the vessel through their agent at Boston, where said insurance was effected, on December 12, 1798, six days after such reregistration, paid the said Thomas Geyer the sum of $2,000 as a loss arising thereon by reason of her seizure and condemnation by the French. The loss on said vessel by reason of the premises was the sum in which the said Thomas Geyer was reimbursed by said underwriters.

V. April 25, 1798, Thomas Geyer effected insurance on said vessel and cargo in the office of Peter C. Brooks in the sum of $5,000, viz, on the vessel in the sum of $2,000 and on cargo in the sum of $3,000, paying therefor a premium of 30 per cent, by a policy underwritten as follows:

Crowell Hatch	$1,000
Tuthill Hubbart	1,000
William Smith	1,000
Nathaniel Fellowes	1,000
David Greene	1,000

December 12, 1798, said Crooks, as agent, duly paid said assured the sum of $5,000 in full for a total loss by reason of the premises.

June 12, 1798, Samuel Harris, as agent of William McN. Watts, effected insurance on a portion of said cargo in the office of Joseph Taylor in the sum of $1,000, paying therefor a premium of 30 per cent, by a policy underwritten as follows:

Thomas Amory	$500
Nicholas Gilman	500

June 24, 1799, said Joseph Taylor, as agent, duly paid the said insured the sum of $1,000 in full for a total loss by reason of the premises.

The property at risk was of the value of at least the sum for which insured. All of the above-named underwriters were citizens of the United States.

April 4, 1808, the administrators of Tuthill Hubbart, for and in consideration of $60,000 to them paid by Peter C. Brooks and the assumption of any and all liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him in the office of said Brooks.

December 16, 1801, William Smith, for and in consideration of $3,715.50 to him paid by Peter C. Brooks and the assumption of any and all liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

December 23, 1801, David Greene, for and in consideration of $6,000 to him paid by Peter C. Brooks and the assumption of any and all liabilities and disadvantages

arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

The claimants have produced letters of administration on the estates on the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the brig *Dove*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants in their representative capacity are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

George G. King, administrator of Crowell Hatch, one thousand dollars...	$1,000.00
Brooks Adams, administrator of Peter C. Brooks, three thousand dollars..	3,000.00
A. Lawrence Lowell, administrator of Nathaniel Fellowes, one thousand dollars.....	1,000.00
William R. Trask, administrator of Thomas Amory, five hundred dollars.	500.00
William G. Perry, administrator of Nicholas Gilman, five hundred dollars.	500.00
Amounting in all to six thousand dollars.....	6,000.00

The defendants have filed a counterclaim alleging that the original claimant, Thomas Geyer, was indebted to the United States in the sum of $5,134.59 on certain unpaid custom-house bonds. No record of payment thereof has been produced from the collector's office at Boston.

No one is in court claiming for the invoice of merchandise shipped by Samuel Harris on said vessel and consigned to William McNeil Watts, master of said vessel, said merchandise being separate and distinct from that owned by Thomas Geyer.

BY THE COURT.

Filed April 1, 1907.

A true copy.
Test this 11th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 345.

JUDGMENTS RENDERED BY COURT OF CLAIMS REQUIRING APPROPRIATION.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A LIST OF JUDGMENTS RENDERED BY THE COURT OF CLAIMS.

DECEMBER 16, 1907.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 14, 1907.

SIR: I have the honor to transmit herewith for the consideration of Congress a list of judgments rendered by the Court of Claims, amounting to $187,569.35, which have been presented to this Department and require an appropriation for their payment, as follows:

Under legislative—Public Printer	$813.89
Under War Department	38,348.64
Under Navy Department	381.29
Under Post-Office Department	13,001.59
Under Department of Justice	3,835.00
Under Department of Interior	131,188.94
Total	187,569.35

Respectfully,

GEO. B. CORTELYOU, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Judgments rendered by the Court of Claims.

No.	Name of claimant.	Date of judgment.	Amount.	When presented for payment.	When payable if not appealed.	Nature of claim.
	LEGISLATIVE—PUBLIC PRINTER.					
29971	John D. Meyers	1907. Oct. 28	$513.99	1907. Nov. 22	1908. Jan. 26	Additional pay for night work at Government Printing Office. Act Mar. 3, 1901.
29972	Charles E. Young	....do...	193.66	....do...	....do...	Do.
29975	Eli M. Wheat	....do...	106.24	....do...	....do...	Do.
	Total Public Printer	.....	813.89			
	WAR DEPARTMENT.					
24917	The Louisville and Nashville R. R. Co.	1907. May 13	6,156.55	1907. June 15	1907. Aug. 11	Transportation of baggage, freight, etc., for troops, war with Spain.
29932	William Roberts	Mar. 18	65.94	[illegible] 29	June 16	Mileage as officer of the Army.
29927	Alexander J. MacDonald.	Oct. 28	48.84	Nov. 25	1908. Jan. 26	Travel pay as battalion sergeant-major, U. S. Army.
24743	Herbert H. Sargent	Nov. 4	140.00	....do...	Feb. 2	Horse lost in the military service.
23129	Lewis E. Brown	1906. Mar. 12	658.33	1906. May 25	(a)	Pay and allowances as officer of the Army.
	Interest on this judgment from May 25, 1906, to June 8, 1907, at rate of 4 per cent per annum.	.....	27.34			
22937	R. P. Andrews & Co	1905. Dec. 18	3,285.10	1905. Dec. 20	(a)	Stationery, paper, etc., for Philippine public printing office at Manila.
	Interest on this judgment from Dec. 20, 1905, to Dec. 4, 1907, at rate of 4 per cent per annum.	.....	257.32			
24953	Robert E. Caldwell	1907. Dec. 12	235.55	1907. Dec. 14	1908. Mar. 11	Pay as assistant surgeon, war with Spain.
26714	Lake T. Carter	Apr. 29	31.20	June 15	1907. July 28	Extra pay to volunteers, war with Spain.
26717	James Doyle	May 13	43.20	....do...	Aug. 11	Do.
26720	George Q. Munson	....do...	31.20	....do...	....do...	Do.
26720	Frederick Bohlig	....do...	43.20	....do...	....do...	Do.
26713	Robert L. Kammerer	....do...	31.20	....do...	....do...	Do.
26713	William P. Boland	May 15	33.12	....do...	Aug. 13	Do.
26718	Henry J. Bang	....do...	31.20	....do...	....do...	Do.
26718	Frank J. Bang	....do...	34.68	....do...	....do...	Do.
26721	Peter J. Bowes	....do...	31.20	....do...	....do...	Do.
27558	Edward J. Grady	Apr. 8	25.38	July 22	July 7	Do.
28231	Albert F. Horne	....do...	45.60	....do...	....do...	Do.
28222	Joseph W. Prew	....do...	26.00	....do...	....do...	Do.
28224	Edward Cormier	....do...	31.20	....do...	....do...	Do.
23624	Evan R. Williams	....do...	150.00	Oct. 29	....do...	Do.
23796	George W. Freyermuth	....do...	150.00	....do...	....do...	Do.
24049	Charles H. Castle	....do...	166.66	....do...	....do...	Do.
24087	Edward H. D. Couch	....do...	203.33	....do...	....do...	Do.
26349	Lincoln W. McLeod	....do...	250.00	....do...	....do...	Do.
25332	James W. Ireson	....do...	115.00	....do...	....do...	Do.
23321	James A. Cully	Oct. 21	233.34	....do...	1908. Jan. 19	Do.
23434	James D. Benham	....do...	125.00	....do...	....do...	Do.
23453	George F. Potteiger	....do...	266.66	....do...	....do...	Do.
23618	John H. West	....do...	150.00	....do...	....do...	Do.
23807	Edward A. Holmes	....do...	125.00	....do...	....do...	Do.
23835	Thomas H. Shields	....do...	192.52	....do...	....do...	Do.
23858	William T. R. Bell	....do...	150.00	....do...	....do...	Do.
23889	Frank M. Rumbold	....do...	333.34	....do...	....do...	Do.
24107	Frank L. Cheney	....do...	250.00	....do...	....do...	Do.
24126	Max T. Price	....do...	116.67	....do...	....do...	Do.
24231	Peter O. Refsell	....do...	150.00	....do...	....do...	Do.
24328	George F. Summers	....do...	125.00	....do...	....do...	Do.

[a] Mandates of Supreme Court, United States, affirming the judgments.

Judgments rendered by the Court of Claims—Continued.

No.	Name of claimant.	Date of judgment.	Amount.	When presented for payment.	When payable if not appealed.	Nature of claim.
	WAR DEPARTMENT—con.					
24398	James T. Smith	1907. Oct. 21	$150.00	1907. Oct. 29	1908. Jan. 19.	Extra pay to volunteers, war with Spain.
24470	Isaac N. Layne	do	166.67	do	do	Do.
24482	William M. Hill	do	300.00	do	do	Do.
24529	Charles F. Adams	do	208.33	do	do	Do.
24542	Frederick S. Padgham	do	250.00	do	do	Do.
24561	Louis A. Eaton	do	95.83	do	do	Do.
24661	Waller H. Dade	do	208.33	do	do	Do.
24847	Ella D. Goodyear, administratrix of estate of Alva S. Goodyear, deceased.	do	250.00	do	do	Do.
24867	Hilden Olin	do	233.34	do	do	Do.
24871	Herbert E. Bolick	do	250.00	do	do	Do.
25272	Norman E. Beall	do	83.33	do	do	Do.
25326	Charles F. Schaber	do	250.00	do	do	Do.
25336	Joseph W. Good	do	125.00	do	do	Do.
25435	Arthur Shaaff	do	21.60	do	do	Do.
25625	Henry R. Goesser	do	150.00	do	do	Do.
25626	Lorenzo Gismond	do	62.50	do	do	Do.
25628	Ernest W. Goodell	do	116.67	do	do	Do.
25674	Erwin S. Gowen	do	150.00	do	do	Do.
25685	Charles A. Poff	do	125.00	do	do	Do.
25737	Adam L. Dickson	do	66.11	do	do	Do.
25882	Marion Galloway	do	54.44	do	do	Do.
25885	Oscar P. Yeager	do	300.00	do	do	Do.
25983	Clement S. Edwards	do	150.00	do	do	Do.
26031	Braxton B. MacDonell	do	125.00	do	do	Do.
26117	Arthur E. Oothoudt	do	97.22	do	do	Do.
26589	James H. Wells	do	416.67	do	do	Do.
26958	Harry B. Walker	do	125.00	do	do	Do.
27081	George N. Tilden	do	125.00	do	do	Do.
27082	James C. Martin	do	300.00	do	do	Do.
27581	William M. Louden	do	150.00	do	do	Do.
27984	Americus H. Woodward	do	150.00	do	do	Do.
28046	Humes C. Laughlin	do	149.50	do	do	Do.
28092	William E. Brown	do	36.00	do	do	Do.
28544	Oscar D. Hapgood	do	233.34	do	do	Do.
28584	Louis Edward Rule	do	31.20	do	do	Do.
28651	G. Arthur Hadsell	do	125.00	do	do	Do.
28901	Charles N. Hinman	do	233.34	do	do	Do.
29126	Edgar B. Tolman	do	416.66	do	do	Do.
29131	George L. Woods and Joseph M. Smith, executors of Fred O. Moody, deceased.	do	233.34	do	do	Do.
29174	Francis H. Lomax	do	35.76	do	do	Do.
29180	Lincoln S. Gallien	do	60.00	do	do	Do.
29219	Edward D. Johnston	do	125.00	do	do	Do.
29235	Robert S. Dement	do	125.00	do	do	Do.
29366	Graph J. Hubbard	do	75.00	do	do	Do.
29364	Harry L. Pitkin	do	116.67	do	do	Do.
29396	Edward C. Butler	do	122.22	do	do	Do.
29417	Taylor M. Reagan	do	125.00	do	do	Do.
28909	John A. Swedberg	Oct. 28	31.20	Nov. 25	Jan. 26	Do.
28909	Charles H. Shaffry	do	31.20	do	do	Do.
28909	William B. Young	do	50.40	do	do	Do.
29152	Nathan S. Jarvis	do	125.00	do	do	Do.
29178	Caldwell K. Biddle	do	150.00	do	do	Do.
24027	Samuel R. Birdsey, jr	do	150.00	do	do	Do.
29373	James C. Albritton	do	125.00	do	do	Do.
23469	William C. Hayes	do	250.00	do	do	Do.
23938	John W. Tobin	do	88.89	do	do	Do.
24463	George W. Rickeman	do	116.67	do	do	Do.
26023	John A. Hühne	do	250.00	do	do	Do.
26282	Harvey T. Smith, father, and Annie E. Smith, mother of Eugene F. Smith, deceased.	do	15.60	do	do	Do.
26282	Edith Twigg, widow of Harry F. Twigg, deceased.	do	15.60	do	do	Do.
26342	William Washington Hendrick Felding.	do	15.60	do	do	Do.
26581	Howard G. Badgley	do	166.66	do	do	Do.
26752	Lansford F. Sherry	do	166.67	do	do	Do.
27090	Carlyle L. Burridge	do	91.17	do	do	Do.
28909	Onesime F. May	do	25.93	do	do	Do.

Judgments rendered by the Court of Claims—Continued.

No.	Name of claimant.	Date of judgment.	Amount.	When presented for payment.	When payable if not appealed.	Nature of claim.
	WAR DEPARTMENT—con.					
24955	Thomas C. Chalmers	1907. Nov. 4	$198.88	1907. Nov. 25	1908. Feb. 2	Extra pay to volunteers, war with Spain.
25570	Etta J. Bergen, widow of Andrew C. Bergen, deceased.	....do...	208.33	....do...	....do...	Do.
25733	Thomas W. Hislop	....do...	146.78	....do...	....do...	Do.
25777	La Fayette A. Dorington	....do...	125.00	....do...	....do...	Do.
24707	Etienne de P. Bujac	Apr. 8	97.67	Dec. 4	1907. July 7	Do.
24759	Madison H. Wilson	....do...	131.67	....do...	....do...	Do.
28370	Gregor Mitchell	....do...	21.60	....do...	....do...	Do.
29861	Frederick W. Hawes	....do...	256.66	....do...	....do...	Do.
29931	Clyde S. Ray	Apr. 22	33.60	....do...	July 21	Do.
29536	Henry Terrell	Oct. 21	26.00	....do...	1908. Jan. 19	Do.
26202	William C. Walters	1906. Nov. 12	18.00	Dec. 7	1907. Feb. 10	Do.
23709	William R. Engleby	1907. May 6	33.17	....do...	Aug. 4	Do.
27255	Oscar J. Hess	....do...	31.20	....do...	....do...	Do.
28029	Charles F. Berry	....do...	18.00	....do...	....do...	Do.
25114	Timothy J. Sullivan	May 13	31.20	....do...	Aug. 11	Do.
26628	James J. Logan, jr.	....do...	43.20	....do...	....do...	Do.
25109	Oscar Knipe	Nov. 4	15.60	....do...	1908. Feb. 2	Do.
25371	Charles P. Seifert	....do...	36.00	....do...	....do...	Do.
25995	Carrie M. Brewster, widow of William J. Brewster, deceased.	....do...	250.00	....do...	....do...	Do.
25527	William T. Moyle	1906. Nov. 12	16.64	....do...	1907. Feb. 10	Do.
24922	Frank C. Hanaford	1907. Apr. 8	233.34	....do...	July 7	Do.
26911	Albert W. Hendricker	....do...	51.17	....do...	....do...	Do.
26959	Thomas J. Burke	....do...	15.60	....do...	....do...	Do.
27351	Walker G. Gibbons	....do...	15.60	....do...	....do...	Do.
28152	Charles F. Schlintz	....do...	31.20	....do...	....do...	Do.
28657	George W. Dewald	....do...	144.00	....do...	....do...	Do.
28673	Gregor X. Miller	....do...	125.00	....do...	....do...	Do.
28719	Elmer E. Bruen	....do...	31.20	....do...	....do...	Do.
28720	Walter Falls	....do..	31.20	....do...	....do...	Do.
27993	Joseph Bosold	Dec. 2	31.20	....do...	1908. Mar. 1	Do.
23424	J. Beaver Gearhart	....do...	150.00	....do...	....do...	Do.
25061	Elmer Kuhns	....do...	31.20	....do...	....do...	Do.
5545	William F. Giesel	....do...	9.20	....do...	....do...	Do.
25747	Edward F. Schiffhauer	....do...	15.60	....do...	....do...	Do.
25862	Edward K. Massee	....do...	70.00	....do...	....do...	Do.
26336	John F. Allwein	....do...	31.20	....do...	....do...	Do.
26515	William E. Kees	....do...	15.60	....do...	....do...	Do.
26546	Joseph F. Ruettger	....do...	15.60	....do...	....do...	Do.
27163	Charles B. Lester	....do...	31.20	....do...	....do...	Do.
27168	Carl J. L. Borine	....do...	36.00	....do...	....do...	Do.
27766	Edward M. May	....do...	36.00	....do...	....do...	Do.
28479	George W. Botzum	....do...	31.20	....do...	....do...	Do.
28796	Dennis J. Fitzpatrick	Oct. 21	31.20	....do...	Jan. 19	Do.
28797	Harry A. Lambert	....do...	36.00	....do...	....do...	Do.
25813	Walter Shay	....do...	31.20	....do...	....do...	Do.
28889	John E. Swan	....do...	31.20	....do...	....do...	Do.
28889	Asa B. Chandler	....do...	43.20	....do...	....do...	Do.
23595	Henry H. Saunders	....do...	150.00	....do...	....do...	Do.
23661	Evan Russell	....do...	150.00	....do...	....do...	Do.
23684	Arthur H. Bronson	....do...	150.00	....do...	....do...	Do.
24410	Fred J. Smailes	....do...	233.34	....do...	....do...	Do.
24413	John R. Hutchings	....do...	150.00	....do...	....do...	Do.
24672	William R. Boyce	....do...	125.00	....do...	....do...	Do.
25111	John Torpey	....do...	31.20	....do...	....do...	Do.
25115	William F. Bertsch, jr.	....do...	31.20	....do...	....do...	Do.
25116	Edward M. Freiler	....do...	31.20	....do...	....do...	Do.
25133	Joseph C. Zerwic	....do...	31.20	....do...	....do...	Do.
25128	Edward W. Starr	....do...	31.20	....do...	....do...	Do.
25159	John E. Zimmerman	....do...	31.20	....do...	....do...	Do.

Judgments rendered by the Court of Claims—Continued.

No.	Name of claimant.	Date of judgment.	Amount.	When presented for payment.	When payable if not appealed.	Nature of claim.
	WAR DEPARTMENT—con.					
25160	John W. Garis	1907. Oct. 21	$31.20	1907. Dec. 7	1908. Jan. 19	Extra pay to volunteers, war with Spain.
25183	David P. Workman	do	31.20	do	do	Do.
25383	Albert J. Merklin	do	83.33	do	do	Do.
25372	George C. Waldo	do	83.33	do	do	Do.
25455	Frank Wahl	do	233.33	do	do	Do.
25502	Walter Child	do	75.00	do	do	Do.
25508	Hans Hanson	do	31.20	do	do	Do.
25706	John O'Connor	do	15.60	do	do	Do.
25720	Samuel W. Jeffries, jr	do	139.58	do	do	Do.
25744	William T. L. Davis	do	30.00	do	do	Do.
25753	William Metzger	do	31.20	do	do	Do.
25763	Elias D. Salsbury	do	150.00	do	do	Do.
25791	Dunham Barton	do	89.44	do	do	Do.
25827	Frank D. Probst	do	18.00	do	do	Do.
25828	William McClintock	do	15.60	do	do	Do.
25829	John Campbell	do	15.60	do	do	Do.
25863	Charles E. Butters	do	333.33	do	do	Do.
25893	Sanford J. Parker	do	208.33	do	do	Do.
25924	Luke E. Hemenway	do	250.00	do	do	Do.
25928	John G. Minnick	do	54.00	do	do	Do.
25938	Walter M. Westenhagen	do	15.60	do	do	Do.
25955	Charles A. McCague	do	116.67	do	do	Do.
25985	John S. Franz	do	15.60	do	do	Do.
26043	David F. Allen	do	100.00	do	do	Do.
26049	Howard I. Macklin	do	18.00	do	do	Do.
26092	Harris L. Moore	do	100.00	do	do	Do.
26164	Gilbert M. Elliott	do	133.33	do	do	Do.
26199	Harry J. Darrah	do	21.60	do	do	Do.
26203	George H. Schroeder	do	15.60	do	do	Do.
26223	George O. Goward	do	31.20	do	do	Do.
26225	Frank E. Pickles	do	15.60	do	do	Do.
26251	Alfred Cahen	do	15.60	do	do	Do.
26252	Emma J. Crippen, widow of George W. Crippen.	do	45.83	do	do	Do.
26260	Edward F. Kendall	do	116.67	do	do	Do.
26266	Robert Berry	do	125.00	do	do	Do.
26267	Sadie Geier, mother of Othello B. Rufner, deceased.	do	100.00	do	do	Do.
26274	Gains B. Rich, jr	do	62.50	do	do	Do.
26371	John G. Ennis	do	21.60	do	do	Do.
26373	John J. Riley	do	15.60	do	do	Do.
26410	William W. Fickes	do	31.20	do	do	Do.
26490	Charles F. Bohlen	do	31.20	do	do	Do.
26516	William Fitzpatrick	do	15.60	do	do	Do.
26519	John Fitch	do	31.20	do	do	Do.
26539	Albert T. Kiscaden	do	27.04	do	do	Do.
26545	Frederick J. Baldinger, jr	do	14.96	do	do	Do.
26549	Robert W. Herr	do	31.20	do	do	Do.
26606	William C. A. Kaufhold	do	31.20	do	do	Do.
26618	Caroline Bagenstose, mother of Charles M. Bagenstose, deceased.	do	31.20	do	do	Do.
26632	Lester A. Partridge	do	21.60	do	do	Do.
26650	George Meade Peters	do	31.20	do	do	Do.
26679	Wesley M. McCloskey	do	18.00	do	do	Do.
26682	William Fassett	do	15.60	do	do	Do.
26690	George Kitch	do	31.20	do	do	Do.
26785	John Getz	do	15.60	do	do	Do.
26795	Robert H. McCloskey	do	15.60	do	do	Do.
26802	Harry A. Weaver	do	31.20	do	do	Do.
26830	Phaon E. Sheidy	do	36.00	do	do	Do.
26844	Isaac N. Weidler	do	31.20	do	do	Do.
26867	John F. Walsh	do	15.29	do	do	Do.
28004	Patrick Gibbons	do	113.44	do	do	Do.
25401	James E. Reavis	do	89.44	do	do	Do.
29169	Francis C. De Veaux	do	116.67	do	do	Do.
26872	Alice A. Underwood, mother of John K. Underwood, deceased.	do	31.20	do	do	Do.
26876	George A. Rick	do	31.20	do	do	Do.
26913	Joseph E. Walton	do	15.60	do	do	Do.
26914	Louis Schmidt	do	18.00	do	do	Do.
26915	William P. Ramsey	do	18.00	do	do	Do.
26923	David S. Yates	do	31.20	do	do	Do.
27000	Arthur C. Harris	do	15.60	do	do	Do.
27039	Carl R. Savage	do	31.20	do	do	Do.

Judgments rendered by the Court of Claims—Continued.

No.	Name of claimant.	Date of judgment.	Amount.	When presented for payment.	When payable if not appealed.	Nature of claim.
	WAR DEPARTMENT—CON.					
		907.		1907.	1908.	
27092	Harry C. Broome	Oct. 21	$31.20	Dec. 7	Jan. 19	Extra pay to volunteers, war with Spain.
27093	Samuel Spence	do	31.20	do	do	Do.
27101	Emma M. Hoats, widow of Edwin J. Hoats.	do	31.20	do	do	Do.
27113	William Sterling	do	31.20	do	do	Do.
27139	John V. Caffrey	do	15.60	do	do	Do.
27160	Harry S. Schuck	do	60.00	do	do	Do.
27174	Ed. Knutson, administrator de bonis non of estate of Canute Lee.	do	60.00	do	do	Do.
27182	Horace W. Dennis	do	31.20	do	do	Do.
27229	John P. Clancey	do	15.60	do	do	Do.
27278	Gafford L. Dunide	do	15.60	do	do	Do.
27318	Edward S. Potts	do	31.20	do	do	Do.
27430	Julius Beutzen	do	35.44	do	do	Do
27416	Michael J. Furrell	do	31.20	do	do	Do.
27426	Margaret W. Smith, widow of Norman M. Smith, deceased.	do	291.67	do	do	Do.
27428	Henry L. Green	do	15.60	do	do	Do.
27430	Hugh Bartlett	do	31.20	do	do	Do.
27436	Harvey E. Ziegler	do	31.20	do	do	Do.
27439	Elias Maki	do	31.20	do	do	Do.
27459	Frank McGowan	do	15.60	do	do	Do.
27486	Charles P. Gant	do	250.00	do	do	Do.
27499	Andrew F. Mathews	do	43.20	do	do	Do.
27518	Dayton H. Hinds	do	31.20	do	do	Do.
27520	Richard Lasch	do	31.20	do	do	Do.
27638	George W. Scheible	do	20.17	do	do	Do.
28647	Charles W. Barstow, father of Charles W. Barstow, jr.	do	150.00	do	do	Do.
27863	Howard M. Reutschler	do	31.20	do	do	Do.
28889	Fred A. Schulz	do	31.20	do	do	Do.
27920	Isaac I. Fox	do	26.00	do	do	Do.
27933	Melvin H. Gemmill	do	31.20	do	do	Do.
27943	John A. Seachrist	do	31.20	do	do	Do.
27993	J. Clarence Kline	do	31.20	do	do	Do.
27952	William H. Diehl	do	31.20	do	do	Do.
27993	William L. Lengel	do	31.20	do	do	Do.
27993	Charles Wolf	do	31.20	do	do	Do.
27997	John H. Hamilton	do	15.60	do	do	Do.
27998	Joseph H. Chambers	do	15.60	do	do	Do.
27799	Harry F. Bower	do	55.20	do	do	Do.
28017	John E. Moltz	do	15.60	do	do	Do.
28075	Harry M. Cass	do	31.20	do	do	Do.
28120	William Williams	do	15.60	do	do	Do.
28135	William G. Johnstone	do	18.00	do	do	Do.
28136	Edward M. Killinger	do	18.00	do	do	Do.
28137	John F. Manion	do	150.00	do	do	Do.
28139	John Wm. Thomas	do	31.20	do	do	Do.
28151	Jacob Mager	do	31.20	do	do	Do.
28153	George E. Steinhauer	do	31.20	do	do	Do.
28188	Robert G. Rosen	do	10.23	do	do	Do.
28233	Harry B. Beckhart	do	31.20	do	do	Do.
28259	Walter W. Yates	do	15.60	do	do	Do.
28351	Charles S. Horton	do	6.09	do	do	Do.
28469	Edward L. Leiby	do	31.20	do	do	Do.
28579	John R. Coller	do	31.20	do	do	Do.
28473	Charles G. Miller	do	36.00	do	do	Do.
28474	Harry B. Foreman	do	36.00	do	do	Do.
28486	Clarence W. Heckman	do	31.20	do	do	Do.
28499	George A. Sands	do	36.00	do	do	Do.
28603	Thomas J. Barrett	do	30.00	do	do	Do.
28622	William E. Gardner	do	51.92	do	do	Do.
28645	John Muschal	do	31.20	do	do	Do.
28675	Sylvester Kanjorski, father of Frank Kanjorski, deceased.	do	31.20	do	do	Do.
28706	Frank M. Shortall	do	31.20	do	do	Do.
28722	Howard A. Romig	do	31.20	do	do	Do.
28723	William L. Stevenson	do	31.20	do	do	Do.
28746	Charles J. Harlow	do	233.34	do	do	Do.
28889	Dennis J. McCauley	do	31.20	do	do	Do.
28889	Louis M. Peeper	do	43.20	do	do	Do.
28898	Lyman D. Imhof	do	31.20	do	do	Do.
28933	George W. Fehlman	do	15.60	do	do	Do.

Judgments rendered by the Court of Claims—Continued.

No.	Name of claimant.	Date of judgment.	Amount.	When presented for payment.	When payable if not appealed.	Nature of claim.
	WAR DEPARTMENT—con.					
28946	Charles A. Quin	1907. Oct. 21	$30.27	1907. Dec. 7	1908. Jan. 19	Extra pay to volunteers, war with Spain.
28960	Frank W. Chamberlain	....do...	15.60	....do...	....do...	Do.
28969	Robert L. McDonell	....do...	31.20	....do...	....do...	Do.
28981	Olof Stromburg	....do...	31.20	....do...	....do...	Do.
28990	Charles E. Kochenderfer	....do...	31.20	....do...	....do...	Do.
29991	Samuel E. Brommer	....do...	36.00	....do...	....do...	Do.
29999	William H. Wright	....do...	31.20	....do...	....do...	Do.
29005	John B. Hannum	....do...	31.20	....do...	....do...	Do.
29007	Harry M. Samuels	....do...	31.20	....do...	....do...	Do.
29008	Harry H. Shaffer	....do...	31.20	....do...	....do...	Do.
29054	Henry M. Warfield	....do...	208.33	....do...	....do...	Do.
29056	Sarah L. Krall, administratrix of William D. Bechtel, deceased.	....do...	31.20	....do...	....do...	Do.
29056	Cyrus Peffer, jr	....do...	31.20	....do...	....do...	Do.
29056	Rudolph J. Sherk, jr	....do...	31.20	....do...	....do...	Do.
29057	Charles T. Welsh	....do...	31.20	....do...	....do...	Do.
29064	Walter H. Klopp	....do...	31.20	....do...	....do...	Do.
29065	Harrison S. Berry	....do...	36.00	....do...	....do...	Do.
29078	Henry A. Schmidt	....do...	15.60	....do...	....do...	Do
29086	Mary E. Mill, widow of Martin M. Mill, deceased.	....do...	43.20	....do...	....do...	Do
29088	William H. Pearson	....do...	15.60	....do...	....do...	Do.
29100	Edward Hogentogler	....do...	31.20	....do...	....do...	Do.
29164	Richard F. Engelhardt	....do...	31.20	....do...	....do...	Do.
29165	Harry Kaiser	....do...	31.20	....do...	....do...	Do.
24376	Ray M. Gilbert	Nov. 11	116.67	....do...	Feb. 9	Do.
29145	Thacker V. Walker	Dec. 2	250.00	....do...	Mar. 1	Do.
28827	Margaret J. Fahey, sister and next of kin of Patrick J. Ryder, deceased.	Oct. 28	26.00	Nov. 8	Jan. 26	Do.
28619	William H. Brown	Jan. 7	66.00	Dec. 12	1907. Apr. 7	Do.
24371	Donn C. Mitchell	Oct. 21	125.00	Nov. 25	1908. Jan. 19	Do.
28906	Wade H. Thomas	1906. Dec. 17	13.89	June 11	1907. Mar. 17	Do.
23477	John E. Day	1907. Dec. 9	125.00	Dec. 12	1908. Mar. 8	Do.
23486	Glenroy A. Thayer	....do...	248.92	....do...	....do...	Do.
24391	Richard L. Miller	....do...	150.00	....do...	....do...	Do.
27085	Delos M. Dodge	....do...	125.00	....do...	....do...	Do.
27895	Wilbur Eddy	....do...	116.67	....do...	....do...	Do.
28061	Frank L. Stevens	....do...	115.00	....do...	....do...	Do.
28458	John T. Johnston	....do...	150.00	....do...	....do...	Do.
28982	David B. Case	....do...	583.34	....do...	....do...	Do.
24833	Robert E. Craighill	Dec. 12	150.00	Dec. 14	Mar. 11	Do.
	Total, War Department.	.....	38,348.64			
	NAVY DEPARTMENT.					
23215	Norman J. Blackwood	1907. Oct. 28	72.35	1907. Nov. 25	1908. Jan. 26	Pay as officer of the Navy.
28605	William C. Braisted	....do...	182.00	....do...	....do...	Do.
28338	Littleton W. T. Waller	Nov. 4	32.15	....do...	Feb. 2	Pay as officer of the Marine Corps.
28467	Harry McL. P. Huse	Dec. 2	38.89	Dec. 7	Mar. 1	Pay as officer of the Navy.
28913	Newton A. McCully	Mar. 11	55.90	Oct. 29	1907. June 9	Do.
	Total Navy Department.	.....	381.29			
	POST-OFFICE DEPARTMENT.					
27767	The Great Northern Rwy. Co.	1907. Mar. 4	1,110.37	1907. Apr. 11	1907. June 2	Mail transportation.
29626	The Chicago, Milwaukee and St. Paul Rwy. Co.	May 6	10,824.96	Nov. 30	Aug. 4	Do.

Judgments rendered by the Court of Claims—Continued.

No.	Name of claimant.	Date of judgment.	Amount.	When presented for payment.	When payable if not appealed.	Nature of claim.
	POST-OFFICE DEPARTMENT—continued.					
23270	George F. McGinnis.....	1907. Apr. 8	$1,000.00	1907. July 9	1907. July 7	Salary as postmaster at Indianapolis, Ind.
17902	Mary J. Davis, widow of Richard Davis, deceased.	Dec. 9	66.26	Dec. 12	1908. Mar. 8	Extra pay as letter carrier at Baltimore, Md., act May 24, 1888.
	Total, Post-Office Department.	.....	13,001.59			
	DEPARTMENT OF JUSTICE.					
29869	John M. Somervell.....	1907. Apr. 1	925.00	1907. Apr. 24	1907. June 30	Fees as clerk, U. S. court.
29844	Doc H. Hart.....	....do...	2,310.00	....do...	....do...	Do.
29992	George Pepperdine.....	May 15	600.00	May 22	Aug. 13	Do.
	Total, Department of Justice.	.....	3,835.00			
	DEPARTMENT OF INTERIOR.					
27537	The Ottawa and Chippewa Indians of the State of Michigan.	1907. Mar. 4	62,496.40	1907. Nov. 8	1907. June 2	For securities or moneys held in trust by the Government at date of treaty with the Indians of July, 1855, and covered into the Treasury of the United States in 1885.
	Interest on this judgment allowed by the Court of Claims from Mar. 9, 1885, at the rate of 5 per cent per annum. Interest runs from Mar. 9, 1885, to Mar. 4, 1907.	.....	68,692.54			
	Total, Department of Interior.	.....	131,188.94			
	Aggregate of judgments.	.....	187,569.35			

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 358.

FINDINGS IN CASE OF JOHN B. McEWEN, EXECUTOR OF LEMUEL FARMER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN B. M'EWEN, EXECUTOR OF LEMUEL FARMER, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 16, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 13, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 2547. John B. McEwen, executor of Lemuel Farmer, deceased, v. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Lemuel Farmer, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed January 14, 1907.

Court of Claims. Congressional, No. 2547. John B. McEwen, executor estate of Lemuel Farmer, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims, House of Representatives, on the 6th day of March, 1888.

On a preliminary inquiry the court, on the 14th day of January, 1907, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 4th day of March, 1907.

C. A. & F. W. Brandenburg, esqs., appeared for claimant, and the Attorney-General, by George E. Boren, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That said Lemuel Farmer, now deceased, during the said war was a resident of Williamson County, State of Tennessee, and the owner and possessor on his farm in said county and State of certain quartermaster stores and commissary supplies, which in the fall of 1864 were seized and appropriated to the use of the military forces of the United States then stationed and operating in said locality, according to the following bill of items:

200 panels of board fence, including posts	$132.00
4,000 rails (40 cords), at $3 per cord	120.00
11,400 pounds of fodder and oats	114.00
35 barrels (175 bushels) of corn, at $1 a bushel	175.00
1 fine saddle horse	150.00
2 extra work mules, at $140 each	280.00
Total	971.00

The court, upon the evidence and after the consideration of briefs and after hearing the arguments of the respective counsel, makes the following

FINDING OF FACT.

There was taken from the claimant's decedent in Williamson County, State of Tennessee, during the war for the suppression of the rebellion, by the military forces of the United States by proper authority for the use of the army, property of the kind and character above described, which was then and there reasonably worth the sum of three hundred and forty dollars ($340).

No payment appears to have been made therefor.

BY THE COURT.

Filed March 11, 1907.

A true copy.

Test this 12th day of December, A. D. 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 359.

FINDINGS IN CASE OF GEORGE TODD.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF GEORGE TODD AGAINST THE UNITED STATES.

DECEMBER 16, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 13, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 6776. George Todd v. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that George Todd, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed February 11, 1907.

[Court of Claims. Congressional case, No. 6776. George Todd v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores, alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims, House of Representatives, on the 14th day of February, 1889.

On a preliminary inquiry the court, on the 11th day of February, 1907, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 12th day of March, 1907.

C. A. and F. W. Brandenburg, esq., appeared for claimant, and the Attorney-General, by Mr. A. Cotting, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That during the said war he was a resident of Maury County, State of Tennessee, and was the owner and possessor in said county and State of certain quartermaster stores and commissary supplies, which in the fall of 1864 were seized and appropriated to the use of the military forces of the United States then stationed and operating in said locality, according to the following bill of items:

Two horses, at $150 each..... $300

The court, upon the evidence and after the consideration of briefs and after hearing the arguments of the respective counsel, makes the following

FINDING OF FACT.

There were taken from the claimant in Maury County, State of Tennessee, during the war for the suppression of the rebellion, by the military forces of the United States, by proper authority, for the use of the Army, horses as set forth in the petition, which at the time and place of taking were reasonably worth the sum of one hundred and ten dollars ($110).

No payment appears to have been made therefor.

Filed April 1, 1907.

By the Court.

A true copy,
Test this 12th day of December, A. D. 1907.
[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 360.

FINDINGS IN CASE OF C. R. HOLMES, ADMINISTRATOR OF LUCKETT DAVIS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF C. R. HOLMES, ADMINISTRATOR OF LUCKETT DAVIS, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 16, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 13, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional No. 2055. Luckett Davis v. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that said Luckett Davis, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed June 8, 1891.

[Court of Claims. Congressional No. 2055. C. R. Holmes, administrator of Luckett Davis, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims, House of Representatives, on the 27th day of January, 1888.

On a preliminary inquiry the court, on the 8th day of June, 1891, found that the person alleged to have furnished the supplies or stores, or from whom they were al-

leged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 19th day of November, 1906.

C. A. & F. W. Brandenburg, esq., appeared for claimant, and the Attorney-General, by W. W. Scott, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That said Luckett Davis, now deceased, during the said war was a resident of Rutherford County, State of Tennessee, and was the owner and possessor on his farm in said county and State of certain quartermaster stores and commissary supplies, which in the spring of 1863 were seized and appropriated to the use of the military forces of the United States then stationed and operating in said locality, according to the following bill of items:

10 horses	$1,225.00
7 mules	890.00
8 well-fatted beeves	192.00
6 small beeves	90.00
2,800 bushels of corn taken from the field, at 60 cents per bushel	1,680.00
2,468 bushels of corn taken from the crib, at 60 cents per bushel	1,480.80
2 tons of fodder, at $20	40.00
2 tons of oats, at $20	40.00
Total	5,637.80

The court, upon the evidence and after the consideration of briefs and after hearing the arguments of the respective counsel, makes the following

FINDING OF FACT.

There was taken from the claimant's decedent in Rutherford, State of Tennessee, during the late civil war, by the military forces of the United States, for the use of the Army, by proper authority, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of fourteen hundred and ninety dollars ($1,490).

No payment appears to have been made therefor.

By the Court.

Filed March 11, 1907.

A true copy.

Test this 12th day of December, A. D. 1907.

[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 361.

FINDINGS IN CASE OF SCHOONER COLLY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER COLLY, WILLIAM MARINER, MASTER.

DECEMBER 16, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December, 13, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Colly*, William Mariner, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Colly*, William Mariner, master.]

No. of case.	Claimant.
1822.	Brooks Adams, administrator of Peter C. Brooks, *v.* The United States.
	A. Lawrence Lowell, administrator of Nathaniel Fellowes, *v.* The United States.
2024.	George G. King, administrator of Crowell Hatch, *v.* The United States.
3476.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	A. Lawrence Lowell, administrator of Nathaniel Fellowes, *v.* The United States.
	George G. King, administrator of James Scott, *v.* The United States.
	William P. Perkins, administrator of Thomas Perkins, *v.* The United States.
	Charles A. Welsh, administrator of William Stackpole, *v.* The United States.
	Walter Hunnewell, administrator of Arnold Welles, jr., *v.* The United States.
	Walter Hunnewell, administrator of John Welles, *v.* The United States.
	Frank Dabney, administrator of Samuel W. Pomeroy, *v.* The United States.
	David G. Haskins, administrator of David Greene, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 14th day of March, 1907.

The claimants were represented by William T. S. Curtis and Theodore J. Pickett, and the United States, defendants, by the Attorney-General, through his assistant in

the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Colly*, William Mariner, master, sailed on a commercial voyage on or about March 7, 1798, from Boston bound to Surinam. Seized in the harbor of Cayenne, where the vessel had put in distress, by the officers of that port, on the 12th day of April, 1798. Condemned by the tribunal of public arbitrators of the department of the colony of Cayenne same day—April 12, 1798—(23 Germinal, year 6) on the following ground:

"That the rôle d'équipage carried by the said master was not in the required form, it not having contained the names of two passengers on board."

II. The schooner *Colly* was a duly registered vessel of the United States of 59 tons burthen; built in the State of Virginia in the year 1789, and owned solely by Peter William Mariner, master of said vessel, who was a citizen of the United States.

III. The cargo of the *Colly* at the time of seizure and condemnation consisted of cables, butter, cordage, copper, nails, pork, staves, and cheese, and was owned by the master, William Mariner.

IV. The cargo was overinsured, as shown below, but the actual loss on the cargo was $8,154, plus $1,630.80, premium of insurance paid on the actual value of the cargo, makes total loss thereon $9,784.80; insurance received, $9,784.80.

V. March 7, 1798, Mungo Mackay, as agent for William Mariner, effected insurance in the office of Joseph Taylor, an insurance broker of Boston, to the amount of $5,000 on the cargo, paying therefor a premium of 20 per cent, said policy being underwritten by the following persons, each in the sums set opposite their names, respectively, viz:

Nathaniel Fellowes	$1,000	John Welles	$500
James Scott	500	Arnold Welles, jr	500
Thomas Perkins	500	Samuel W. Pomeroy	500
William Stackpole	500	David Greene	1,000

Thereafter said Joseph Taylor, as agent, duly paid the said assured the sum of $5,000, being in full for a total loss by reason of the premises; but there being an overinsurance on this policy and the one in the Brooks office, the loss on this policy amounted only to the sum of $3,763.38, and the pro rata loss to each underwriter is as follows:

Nathaniel Fellowes	$752.68	Arnold Welles, jr	$376.34
James Scott	376.34	Samuel W. Pomeroy	376.33
Thomas Perkins	376.34	David Greene	752.67
William Stackpole	376.34		
John Welles	376.34		3,763.38

VI. March 7, 1798, Mungo Mackay, as agent for William Mariner, effected insurance in the office of Peter C. Brooks, insurance broker of Boston, to the amount of $8,000 on the cargo, paying therefor a premium of 20 per cent, said policy being underwritten by the following persons, each in the amount set opposite their names, respectively, viz:

Crowell Hatch	$1,000	Daniel Sargent	$600
Tuthill Hubbart	1,000	Caleb Hopkins	1,000
Nathaniel Fellowes	1,000	Matthew Bridge	400
William Smith	1,000	Benjamin Homer	600
Daniel D. Rogers	400	David Greene	1,000

Thereafter said Peter C. Brooks, as agent, duly paid the said assured the sum of $8,000, being in full for a total loss by reason of the premises; but there being an overinsurance on this policy as well as the one in the Taylor office, the loss on this policy amounted only to the sum of $6,021.42, and the pro rata loss to each underwriter is as follows:

Crowell Hatch	$752.68	Caleb Hopkins	$752.67
Tuthill Hubbart	752.68	Matthew Bridge	301.07
Nathaniel Fellowes	752.68	Benjamin Homer	451.61
William Smith	752.68	David Greene	752.67
Daniel D. Rogers	301.07		
Daniel Sargent	451.61		6,021.42

After said payment, to wit, December 16, 1801, for and in consideration of $3,715.50 and the assumption of the responsibility of William Smith as an underwriter in the office of Peter C. Brooks, said Smith assigned to said Brooks all his interest in said business.

After said payment, to wit, April 4, 1808, for and in consideration of $60,000 and the assumption of the responsibility of Tuthill Hubbart as an underwriter in the office of Peter C. Brooks, said Hubbart assigned to said Brooks all of his interest in said business.

After said payment, to wit, October 19, 1804, for and in consideration of $3,400 and the assumption of the responsibility of Daniel D. Rogers as an underwriter in the office of Peter C. Brooks, said Rogers assigned to the said Brooks all of his interest in said business.

After said payment, to wit, November 23, 1804, for and in consideration of $3,180.37 and the assumption of the responsibility of Matthew Bridge as an underwriter in the office of Peter C. Brooks, said Bridge assigned to the said Brooks all of his interest in said business.

After said payment, to wit, July 23, 1805, for and in consideration of $5,000 and the assumption of the responsibility of Benjamin Homer as an underwriter in the office of Peter C. Brooks, said Homer assigned to the said Brooks all of his interest in said business.

After said payment, to wit, December 23, 1801, for and in consideration of $6,000 and the assumption of the responsibility of David Greene as an underwriter in the office of Peter C. Brooks, said Greene assigned to said Brooks all his interest in said business.

After said payment, to wit, December 8, 1801, the administrator of Caleb Hopkins, for and in consideration of $3,000 and the assumption of the responsibility of said Hopkins as an underwriter in the office of Peter C. Brooks, said administrator assigned to the said Brooks all the interest of the said Hopkins in said business.

After said payment, to wit, September 2, 1806, for and in consideration of $3,000 and the assumption of the responsibility of Daniel Sargent as an underwriter in the office of Peter C. Brooks, said Sargent assigned to said Brooks all of his interest in said business.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Colly* as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

Brooks Adams, administrator of Peter C. Brooks, four thousand five hundred and sixteen dollars and six cents	$4,516.06
George G. King, administrator of Crowell Hatch, seven hundred and fifty-two dollars and sixty-eight cents	752.68
A. Lawrence Lowell, administrator of Nathaniel Fellowes, one thousand five hundred and five dollars and thirty-six cents	1,505.36
George G. King, administrator of James Scott, three hundred and seventy-six dollars and thirty-four cents	376.34
William P. Perkins, administrator of Thomas Perkins, three hundred and seventy-six dollars and thirty-four cents	376.34
Charles A. Welsh, administrator of William Stackpole, three hundred and seventy-six dollars and thirty-four cents	376.34

Walter Hunnewell, administrator of John Wells, three hundred and seventy-six dollars and thirty-four cents	$376.34
Walter Hunnewell, administrator of Arnold Wells, jr., three hundred and seventy-six dollars and thirty-four cents	376.34
Frank Dabney, administrator of Samuel W. Pomeroy, three hundred and seventy-six dollars and thirty-three cents	376.33
David G. Haskins, administrator of David Greene, seven hundred and fifty-two dollars and sixty-seven cents	752.67
Amounting in all to nine thousand seven hundred and eighty-four dollars and eighty cents	9,784.80

The owners of vessel, cargo, and freight are not in court.

BY THE COURT.

Filed March 18, 1907.
A true copy.
Test this 13th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 362.

FINDINGS IN CASE OF SCHOONER JUNO.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER JUNO, WILLIAM BURGESS, MASTER.

DECEMBER 16, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 14, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Juno*, William Burgess, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d Ed., 471. Vessel schooner *Juno*, William Burgess, master.

No. of case.	Claimant.
2360.	Cazenove G. Lee, administrator of the estate of James Patton, surviving partner of James Patton and James Dykes, deceased, *v.* The United States.
3556.	Charles G. Lovering, administrator of the estate of Joseph Taylor, deceased, *v.* The United States.
3556.	John W. Apthorp, administrator of the estate of William Foster, deceased, *v.* The United States.
3556.	William I. Monroe, administrator of the estate of John Brazer, deceased, *v.* The United States.
3556.	William S. Carter, administrator of the estate of William Smith, deceased, *v.* The United States.
3556.	H. Burr Crandall, administrator of the estate of Thomas Dickason, deceased, *v.* The United States.
3556.	Nathan Matthews, administrator of the estate of Daniel Sargent, deceased, *v.* The United States.
3556.	Augustus P. Loring, administrator of the estate of William Boardman, deceased, *v.* The United States.
3556.	Lawrence Bond, administrator of the estate of Nathan Bond, deceased, *v.* The United States.
3556.	David Greene Haskins, administrator of the estate of David Greene, deceased, *v.* The United States.

No. of case.	Claimant.
2444.	William G. Perry, administrator of the estate of Nicholas Gilman, deceased, v. The United States.
2442.	Montgomery Fletcher, administrator of the estate of John Walter Fletcher, deceased, partner of Fletcher & Otway, v. The United States.
2443.	Horace B. Sargent, jr., administrator of the estate of Daniel Sargent, deceased, v. The United States.
2445.	William I. Monroe, administrator of the estate of John Brazer, deceased, v. The United States.
2447.	William A. Hayes, 2d, administrator of the estate of Eliphalet Ladd, deceased, v. The United States.
2374.	Julian T. Burke, administrator of the estate of George Taylor, deceased, v. The United States.
2528.	William C. Hill, surviving executor of William W. Corcoran, deceased, v. The United States.
2528.	James M. Johnston, administrator of the estate of George W. Riggs, deceased, v. The United States.
2528.	Robert B. Chew, administrator of the estate of Richard Smith, deceased, v. The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 19th day of March, 1907.

The claimants were represented by Charles W. Clagett, William T. S. Curtis, Theodore J. Pickett, John St. Clair Brookes, and George S. Boutwell, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, and Stanhope Henry, esqs., with whom was Assistant Attorney General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Juno*, William Burgess, master, sailed on a commercial voyage from Alexandria, Va., June 15, 1796, bound for Port au Prince. While peacefully pursuing said voyage she was captured on the high seas on the 18th day of July, 1796, by the French barge *La Bonne*, Nouvelle, and carried into the port of Leogane, Hispaniola. The following is the protest of James Merrihew, the mate of the schooner *Juno*:

"By this public instrument of protest, be it known and manifest that on Saturday, the fifth day of November, anno Domini 1796, before me, Samuel Chace, esq., public notary, duly appointed for the town and county of Providence, in the State of Rhode Island and Providence Plantations, personally appeared and came James Merrihew, late mate of schooner *Juno*, of Boston, belonging to Dix and Haskins, merchants there, and being engaged in due form of law doth depose and declare that he sailed out from Boston as mate aforesaid in said schooner under William Burgess, and went to Alexandria, and took in a cargo there for Port au Prince, and on the fifteenth day of June left the Capes of Virginia, vessel and cargo then in good order. During our passage passed Cape Nicholas July the fifteenth, and fell in with a fleet of Americans and English vessels bound to the same Port au Prince under convoy of English armed vessels, and on the eighteenth we were boarded by a French barge named *Bonnegal*, Peter Tonnos, master. They put on board us four armed men, soldiers and a corporal, all French, and we were not any of us allowed to speak with any other American in that place. The captain, William Burgess, was carried on shore and examined and returned that evening; the 19th carried on shore again, when he was abused for that he refused to let them have the cargo at a price they were pleased to offer him. They took from us all our protections and every paper they could find and carried them away in the captain's trunk.

"On the twenty second day the commissary came on board and demanded the captain to set a price on the flour, which he did. They were to give him sixteen dollars a barrel for the superfine and fifteen dollars for the fine and to pay him in coffee at 31 sue in forty-five days, after which the captain attempted to go on shore, but was stopped by the guard and ordered again on board; and on the twenty-third the captain sent me on shore with a line for the privilege to come on shore, but the answer was, No; and on the twenty-fourth the commissary sent on board for four barrels of bread, but the captain would not let it go, so upon this refusal they came on the twenty-fifth on board and took it away by force, and on the twenty-sixth they came on board again

and demanded the flour, which we also began to deliver; and on the thirtieth the captain got liberty to go on shore, and on July second finished landing our flour; and on the third the captain got a receipt for it, but they took it from him in two hours after and never returned it again; and on the 22d August the commissary sent a boat on board and began to take our bread and meal without asking any questions, and on the eighth September they finished; and on the fifteenth September Captain Burgess died; and on the twenty-first they told me that they would give me a receipt for the cargo if I would render an account of the cargo to the administration, which I did, after which they refused to give me any; and whether that I signed was a receipt or not it was not in my power to say, but it was translated as an accompt; agreeable to my accompt; I applied to the administration for meat three times, and he refused to supply me; and on the twenty-eighth I abandoned the vessel, having nothing on board to subsist on except bread and water; then took passage with Captain Samuel Davis in sloop *Union*, bound to Providence, and on the evening of the fourth of November arrived and report accordingly."

It further appears by letter from William Burgess, master of the schooner *Juno*, addressed to Patton and Dykes, dated Leogane, Hispaniola, July 26, 1796, that on the 18th of July, 1796, he got within 20 miles of Port au Prince in company with three sails of American vessels bound for that place; that he was captured by a French privateer and carried into Leogane; that six armed men were put on board to guard him, and that he was not allowed to advise with any Americans in that port, there being twenty American vessels present, nor even to speak to them from his vessel; that he was carried by a guard of soldiers to the commandant every day for examination; that he was kept as closely confined as a prisoner of war and was not allowed to enter a protest nor even to go on shore without the commandant sending for him, and that then he was driven before a guard of negroes like a dog.

On the 9th day of January, 1797, the *Juno* was condemned by the tribunal of commerce sitting at Cape Francois, on the following grounds:

That the *Juno* was bound for Port au Prince, and that Port au Prince is one of the places in the colony of San Domingo that have rebelled against the laws of the French Republic and are under the protection of the British Government, and have been declared in a state of permanent seige by the decree of the commission of the 6th of this month.

II. The *Juno* was a duly registered vessel of the United States of 111$\frac{87}{95}$ tons burthen; was built in the United States and was owned by Dix & Haskins, citizens of the United States, and residents of Boston, Mass.

III. The cargo of the *Juno* consisted of flour, meal, and bread, and was owned by Patton & Dykes, citizens of the United States and residents of Alexandria, Va., to the amount of $8,000 and Dix & Haskins to the amount of $1,800.

IV. The losses by reason of the capture and condemnation of the *Juno* were as follows:

Value of vessel (to amount of insurance paid)	$3,000.00
Freight earnings (to amount of insurance paid)	2,000.00
Value of cargo owned by Dix & Haskins	1,800.00
Value of cargo owned by Patton & Dykes	8,000.00
Premium of insurance paid by Patton & Dykes	66.66
Amounting in all to	14,866.66

V. On the 10th day of June, 1796, Dix & Haskins effected insurance in the office of Joseph Taylor, of Boston, Mass., in the sum of $6,800, of which $3,000 thereof was on the vessel, $2,000 on the freight, and $1,800 on the cargo, paying therefor a premium of 7 per cent, said policy being underwritten by the following persons, all of whom were citizens of the United States, viz:

William Foster	$1,000.00
John Brazer	1,000.00
William Smith	800.00
Thomas Dickason, Jr.	500.00
Daniel Sargent	500.00
William Boardman	1,000.00
Nathan Bond	500.00
Nicholas Gilman	500.00
David Greene	500.00
Eliphalet Ladd	500.00
	6,800.00

On the 14th day of March, 1797, said Taylor, as agent for the underwriters, paid to Dix & Haskins the said sum of $6,800, as and for a total loss.

VI. The firm of Fletcher & Otway for a premium, the amount of which is unknown, insured the said Patton & Dykes £100 or $333.33 on their portion of the cargo on board the *Juno* at the time of the capture, against said loss. Thereafter the said firm duly paid the said Patton & Dykes the sum of $333.33 as and for a total loss.

The said firm of Fletcher & Otway, formerly of Alexandria and Norfolk, in the State of Virginia, was composed of John Walter Fletcher and Robert Otway, both of whom were citizens of the United States, and was dissolved during the lifetime of the members thereof.

VII. George Taylor, a citizen of the United States and resident of Alexandria, Va., for a premium of 10 per cent underwrote to the amount of £200 or $666.67 on a policy of insurance effected on account of said Patton & Dykes, in the office of James Bruce Nichols, insurance broker in said Alexandria, on the 14th June, 1796, on their portion of the cargo on board the *Juno* at the time of capture, against the said loss.

Thereafter the said Taylor duly paid the said Patton & Dykes the sum of $666.67, as and for a total loss.

VIII. About July, 1831, said George Taylor, being unable to pay his debts in full, executed an assignment to the president, directors, and company of the Bank of the United States, a corporation chartered by act of Congress approved the 10th day of April, 1816, his claims against the Government of the United States for French spoliations committed prior to the treaty of the 30th September, 1800, a schedule of which was attached and included claims as underwriter. Said assignment was to the use of the several parties named, in payment and discharge of their respective demands against him, and in proportion thereto, as follows:

Bank of the United States	$5,870.05
Bank of Alexandria	900.00
Bank of Potomac, say	750.00
Indorser, N(athaniel) W(attles)	4,500.00
John Corse	350.00
Total	12,370.05

Subsequently, to wit, March 2, 1836, said Bank of the United States chartered by act of Congress, as aforesaid, assigned and transferred among other property, to the bank of the same name chartered by an act of the assembly of the Commonwealth of Pennsylvania, as aforesaid, assigned and transferred, among other property, to James Dundas, Mordecai Louis (Lewis), Samuel W. Jones, Robert L. Pitfield, and Robert Howell the said claim of said Bank of the United States chartered by act of Congress, against the said George Taylor, and said spoiliation claims of said George Taylor, then held by said Bank of the United States chartered by act of Congress, as collateral security for the said Taylor's debt, as aforesaid.

Subsequently, to wit, August 29, 1846, said James Dundas, Mordecai D. Louis (Lewis), Samuel W. Jones, Robert L. Pitfield, and Robert Howell, by deed, assigned and transferred to said William W. Corcoran said claim against George Taylor for $5,870.05, together with said collateral security.

Although said claim against said George Taylor, and said claim of said George Taylor against the United States, before referred to, were assigned and transferred to said William W. Corcoran in severalty, the consideration paid to the said James Dundas, Mordecai D. Louis (Lewis), Samuel W. Jones, Robert L. Pitfield, and Robert Howell for the assignments and transfers aforesaid was contributed equally by said William W. Corcoran, George W. Riggs, and Richard Smith under an agreement existing between them, that the money or property transferred, by virtue of said assignments, should be divided equally between the said three persons, and all property thus far recovered under said assignments has been so divided.

IX. The losses to Patton & Dykes, by reason of said seizure and condemnation, were as follows:

Value of the cargo owned by them	$8,000.00
Premium of insurance paid by them	66.66
Amounting in all to	8,066.66
Deduct insurance received	1,000.00
Net loss	7,066.66

The claimant's have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who

suffered loss by reason of the seizure and condemnation of the schooner *Juno*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their respective capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides, as conclusions of law, that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty, in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

Cazenove G. Lee, administrator of James Patton, surviving partner of the firm of Patton & Dykes, seven thousand and sixty-six dollars and sixty-six cents	$7,066.66
John W. Apthorp, administrator of William Foster, one thousand dollars	1,000.00
William I. Monroe, administrator of John Brazer, one thousand dollars	1,000.00
William S. Carter, administrator of William Smith, eight hundred dollars	800.00
H. Burr Crandall, administrator of Thomas Dickason, jr., five hundred dollars	500.00
Nathan Matthews, administrator of Daniel Sargent, five hundred dollars	500.00
Augustus P. Loring, administrator of William Boardman, one thousand dollars	1,000.00
Lawrence Bond, administrator of Nathan Bond, five hundred dollars	500.00
David Greene Haskins, administrator of David Greene, five hundred dollars	500.00
William G. Perry, administrator of Nicholas Gilman, five hundred dollars	500.00
William A. Hayes, 2d, administrator of Eliphalet Ladd, five hundred dollars	500.00
Montgomery Fletcher, administrator of John Walter Fletcher, for and on behalf of the firm of Fletcher & Otway, three hundred and thirty-three dollars and thirty-three cents	333.33
William C. Hill, surviving executor of William W. Corcoran, assignee of George Taylor, one hundred and seventy-three dollars and forty-six cents	173.46
James M. Johnston, administrator of George W. Riggs, assignee of George Taylor, one hundred and seventy-three dollars and forty-six cents	173.46
Robert S. Chew, administrator of Richard Smith, assignee of George Taylor, one hundred and seventy-three dollars and forty-six cents	173.46
Amounting in all to fourteen thousand seven hundred and twenty dollars and thirty-seven cents	14,720.37

The assignment of George Taylor, hereinbefore set forth in the conclusions of fact, to the extent of the debts of Nathaniel Wattles and John Corse, for which he had been personally liable as surety, and which assignment to that extent was made in lieu of his personal liability as such surety, can not, at this day, be carried out and must be held to have failed. It would be inequitable, considering the circumstances of the case, to make any deduction on that account, and none is made.

No allowance is made herein to Julian T. Burke, administrator of George Taylor, as the assignment of the latter, beyond the part thereof regarding the debts of Nathaniel Wattles and John Corse, is held operative, applying to his own indebtedness, which has not yet been fully extinguished.

BY THE COURT.

Filed May 13, 1907.
A true copy.
Test this 14th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 363.

FINDINGS IN CASE OF SCHOONER SYREN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER SYREN, JARED ARNOLD, MASTER.

DECEMBER 16, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 14, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Syren*, Jared Arnold, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

HON. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Syren*, Jared Arnold, master.]

No. of case.	Claimant.
3087.	Charles J. Bonaparte, administrator of Benjamin Williams, *v.* The United States.
3087.	David Stewart, administrator of William Wood, jr., *v.* The United States.
3409.	Antoinette Williams, administratrix of John McFadon. Henry W. Ellicott, administrator of William McFadon, *v.* The United States. James Lawson, administrator of Richard Lawson, *v.* The United States.
4848.	David Stewart, administrator of Henry Payson, *v.* The United States.
2555.	Richard Delafield, administrator of John Delafield, *v.* The United States.
5559.	William H. S. Elting, administrator of Peter Elting, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 14th day of March, 1907. The claimants were represented by Frank P. Clark, William T. S. Curtis, and Theodore J. Pickett, and the United States, defendants, by the Attorney General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Syren*, Jared Arnold, master, sailed on a commercial voyage in the latter part of September, 1798, from Norfolk, Va., bound to Laguira. While peacefully pursuing said voyage she was seized on the high seas on or about October 22, 1798, by the French privateer *L'Amour de la Patrie*, Captain Souloumide, who conducted said vessel to Basseterre, Guadaloupe, and she was thereafter on October 26, 1798 (5 Brumire, year 7) condemned by the tribunal of commerce and prizes sitting at that place on the following ground:

"That the crew of the *Syren* was composed of eight men, two of whom were Portuguese and one an Englishman, enemies of the French Republic."

II. The *Syren* was a duly registered vessel of the United States of 113$\frac{85}{95}$ tons burthen; built in the State of Massachusetts in year 1794, and owned by the following persons: Benjamin Williams, one-fourth; William Wood, jr., one-fourth; Henry Payson, one-fourth; and William McFadon & Co. (composed of William McFadon, John McFadon, and Richard Lawson), one-fourth.

III. The cargo of the *Syren* at the time of seizure consisted of flour, and was of the value of $6,128.33. Said cargo was owned by Benjamin Williams, William Wood, jr., Henry Payson, and William McFadon & Co., in the same proportions as the vessel.

IV. The loss to the owners of the vessel and cargo by reason of the seizure and condemnation aforesaid was as follows:

Value of vessel	$4,520.00
Freight earnings	1,610.00
Value of cargo	6,128.33
Premium of insurance paid	250.00
Amounting in all to	12,508.33
Deduct insurance received	1,716.80
Net loss	10,791.53

V. October 24, 1798, William McFadon & Co. effected in the city of New York insurance on the cargo in the sum of $2.000, paying therefor a premium of 12½, said policy being underwritten by the firm of Church & Delafield to the full amount of said policy.

Thereafter, to-wit, June 10, 1799, said Church & Delafield duly paid the said assured the sum of $1,716.80, being for a loss by reason of the premises.

VI. Benjamin Williams was the owner of one-fourth of vessel and cargo. His losses were as follows:

One fourth value of vessel	$1,130.00
One-fourth freight earnings	402.50
One-fourth value of cargo	1,532.08
Total	3,064.58

Henry Payson and William Wood, jr., were likewise each the owner of one-fourth of vessel and cargo, and their losses therefore each amount to the sum of $3,064.58, as above.

William McFadon & Co., were the owners of one-fourth of vessel and cargo. Their losses were as follows:

One-fourth value of vessel	$1,130.00
One-fourth freight earnings	402.50
One-fourth value of cargo	1,532.09
Premium of insurance paid	250.00
Amounting in all to	3,314.59
Deduct insurance received	1,716.80
Net loss to firm	1,597.79

The loss to said firm of William McFadon & Co., being the sum of $1,597.79, the individual loss of said members, is as follows:

John McFadon	$532.59
William McFadon	532.60
Richard Lawson	532.60

On April 10, 1839, John McFadon, being largely indebted to the United States, for and in consideration of the sum of ten dollars to him paid by the United States, assigned and transferred to the United States all his right, title, and interest in and to any claim for indemnity for spoliations by the French prior to 1800, that he, the said John McFadon may have against the said United States.

No recovery can therefore be had herein for the estate of said John McFadon.

VII. The firm of Church & Delafield was composed of John Delafield and John Barker Church, of which John Delafield was the surviving partner.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Syren*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefore upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

Charles J. Bonaparte, administrator of Benjamin Williams, three thousand and sixty-four dollars and fifty-eight cents	$3,064.58
David Stewart, administrator of William Wood, jr., three thousand and sixty-four dollars and fifty-eight cents	3,064.58
David Stewart, administrator of Henry Payson, three thousand and sixty-four dollars and fifty-eight cents	3,064.58
Henry W. Ellicott, administrator of William McFadon, five hundred and thirty-two dollars and sixty cents	532.60
James Lawson, administrator of Richard Lawson, five hundred and thirty-two dollars and sixty cents	532.60
Richard Dalafield, administrator of John Dalafield, surviving partner of Church & Dalafield, one thousand seven hundred and sixteen dollars and eighty cents	1,716.80
Amounting in all to eleven thousand nine hundred and seventy-five dollars and seventy-four cents	11,975.74

William H. S. Elting, administrator of Peter Elting, has proved no valid claim.

By THE COURT.

Filed March 18, 1907.
A true copy.
Test this 14th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

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PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 13th day of March, 1907.

The claimants were represented by William T. S. Curtis, Theodore J. Pickett, and Charles W. Claggett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Venus*, Benjamin Hooper, master, sailed on a commercial voyage June 6, 1799, from Boston bound for Barbadoes. While peacefully pursuing said voyage she was seized on the high seas, July 2, 1799, by the French privateer *Italie Conquise*, and conducted to Port Liberty, and afterwards, to wit, July 10, 1799, both vessel and cargo were condemned as good prize for the benefit of the captors by the tribunal of commerce sitting at Basseterre, in the island of Guadaloupe, whereby the same became a total loss to the owners thereof.

The grounds of condemnation as set forth in the decree were as follows, viz:

"That the neutral ownership of the cargo was not sufficiently proven.

"That the vessel carried no rôle d'équipage."

II. The *Venus* was a duly registered vessel of the United States, of 110$\frac{6}{95}$ tons burthen, built in Massachusetts in the year 1795, owned by William Marshall, jr., and Benjamin Hooper in the proportion of two-thirds and one-third, respectively, and in the same proportion they were the owners of the cargo of said vessel at the date of seizure, consisting of beef, flour, and other provisions, tobacco, and lumber, the reasonable value of which vessel was at the time at least $4,500 and the value of said cargo at the time was at least $8,900, on which insurance was effected as stated below. Both of said owners were citizens of the United States, residing in Boston.

III. June 3, 1799, Benjamin Hooper effected through the office of Peter C. Brooks insurance on one-third of the vessel and cargo in the sum of $5,000, paying therefor a premium of 20 per cent, said policy being underwritten by the following persons, all of whom were citizens of the United States, each in the sum set opposite his name, viz:

John C. Jones	$1,000	Benjamin Cobb	$500
Crowell Hatch	1,000	Benjamin Homer	500
Thomas English	500	Tuthill Hubbart	1,000
Daniel D. Rogers	500		

Thereafter the said Brooks, as agent, duly paid the said assured the sum of $5,000, as and for a total loss by reason of the premises.

June 4, 1799, William Marshall, jr., effected through the office of Joseph Taylor, insurance on two-thirds of the vessel and cargo in the sum of $8,400, paying therefor a premium of 17½ per cent; the policy was underwritten by the following-named persons, all of whom were citizens of the United States, each in the sum set opposite his name, viz:

John McLean	$1,000	Jacob Sheafe	$500
Daniel D. Rogers	500	Thomas Amory	500
Samuel W. Pomeroy	1,000	Moses Brown	500
Nicholas Gilman	1,000	Stephen Codman	400
John and Thomas Stevens	600	John C. Jones	900
Benjamin Cobb	500	Tuthill Hubbart	400
James Scott	600		

Thereafter the said Joseph Taylor, as agent, duly paid the insured the sum of $8,400, as and for a total loss by reason of the premises.

The firm of John and Thomas Stevens was composed solely of John Stevens and Thomas Stevens, the last named being the surviving partner of the firm.

October 19, 1804, Daniel D. Rogers, for and in consideration of $3,400 to him paid by Peter C. Brooks and the assumption by the said Brooks of any and all liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of the said Brooks.

July 23, 1805, Benjamin Homer, for and in consideration of $5,000 to him paid by Peter C. Brooks and the assumption by the said Brooks of any and all liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to said

Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

April 4, 1808, the administrators of Tuthill Hubbart, for and in consideration of $60,000 to them paid by Peter C. Brooks and the assumption by the said Brooks of any and all liabilities and disadvantages arising from the underwriting of said Hubbart in the office of said Brooks, assigned to said Brooks all the right, title, and interest in and to all insurance done by the said Hubbart as an underwriter in the office of said Brooks.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Venus*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their respective capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides, as conclusions of law, that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty, in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States.

Brooks Adams, administrator of Peter C. Brooks, two thousand dollars	$2,000.00
James S. English, administrator of Thomas English, five hundred dollars	500.00
George G. King, administrator of Crowell Hatch, one thousand dollars	1,000.00
Daniel W. Waldron, administrator of Jacob Sheafe, five hundred dollars	500.00
Francis M. Boutwell, administrator of Benjamin Cobb, one thousand dollars	1,000.00
Francis M. Boutwell, administrator of John McLean, one thousand dollars	1,000.00
W. Rodman Peabody, administrator of Daniel D. Rogers, five hundred dollars	500.00
Frank Dabney, administrator of Samuel W. Pomeroy, one thousand dollars	1,000.00
William G. Perry, administrator of Nicholas Gilman, one thousand dollars	1,000.00
Elisha Whitney, administrator of Thomas Stevens, for and on behalf of the the firm of John and Thomas Stevens, six hundred dollars	600.00
William R. Trask, administrator of Thomas Amory, five hundred dollars	500.00
Edward I. Brown, administrator of Moses Brown, five hundred dollars	500.00
Charles K. Cobb, administrator of Stephen Codman, four hundred dollars	400.00
Thomas N. Perkins, administrator of John C. Jones, one thousand nine hundred dollars	1,900.00
A. Lawrence Lowell, administrator of Tuthill Hubbart, four hundred dollars	400.00
George G. King, administrator of James Scott, six hundred dollars	600.00
Amounting in all to thirteen thousand four hundred dollars	13,400.00

Charles T. Lovering, administrator of Joseph Taylor, has proved no valid claim other than in favor of those who underwrote the insurance effected through the office of said Taylor, as hereinbefore set forth.

The owners of the vessel, cargo, and freight are not in court.

BY THE COURT.

Filed April 1, 1907.
A true copy.
Test this 13th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 365.

FINDINGS IN CASE OF SCHOONER ISABELLA.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER ISABELLA, LEWIS LOMBARD, MASTER.

DECEMBER 16, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 13, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Isabella*, Lewis Lombard, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

RELIMINARY STATEMENT.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Isabella*. Lewis Lombard, master.]

No. of case.	Claimant.
3101.	Charles L. De Normandie, administrator of estate of Benjamin Smith, deceased, *v.* the United States.
499.	Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, *v.* The United States.
1501.	James G. Freeman, receiver of the Boston Marine Insurance Company, *v.* The United States.
3030.	Nathan Matthews, administrator of the estate of Daniel Sargent, deceased, *v.* The United States.
3554.	Charles T. Lovering, administrator of the estate of Joseph Taylor, deceased, *v.* The United States.
3554.	George G. King, administrator of the estate of James Scott, deceased, *v.* The United States.
3554.	William G. Perry, administrator of the estate of Nicholas Gilman, deceased, *v.* The United States.
3554.	Jonathan Bowditch, administrator of the estate of Benjamin Pickman, deceased, *v.* The United States.
3554.	Edward I. Browne, administrator of the estate of Israel Thorndike, deceased, *v.* The United States.
3554.	Augustus P. Loring, administrator of the estate of W. H. Boardman, deceased, *v.* The United States.

No. of case.	Claimant.
3555.	Charles T. Lovering, administrator of the estate of Joseph Taylor, deceased, *v.* The United States.
3555.	David G. Haskins, administrator of the estate of David Greene, deceased, *v.* The United States.
3555.	Charles K. Cobb, administrator of the estate of Stephen Codman, deceased, *v.* The United States.
3555.	A. Lawrence Lowell, administrator of the estate of Tuthill Hubbart, deceased, *v.* The United States.

These cases were tried before the Court of Claims on the 7th day of November, 1907.

The claimants were represented by Charles W. Clagett, Wm. T. S. Curtis, and Theodore J. Pickett, esqrs., and the United States, defendants, by the Attorney-General, through his assistants in the Department of Justice, John W. Trainer and Stanhope Henry, esqrs., with whom was Assistant Attorney-General J. A. Van Orsdel.

FINDINGS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Isabella*, Lewis Lombard, master, sailed on the 29th day of April, 1800, on a commercial voyage from Boston, Mass., bound for the island of St. Thomas.

While peacefully pursuing said voyage, she was captured on the 30th day of May, 1800, on the high seas by a squadron of three war ships of the French Republic and a schooner of four guns from Cayenne, under command of Captain Bordeson, who acted as commodore of said squadron. The master was ordered aboard said French schooner and then ordered before the commodore of said squadron. While he was on board the commodore's ship the boats from the whole French squadron boarded the *Isabella*, broke open the hatches, and plundered said vessel of provisions and every article they could lay their hands on. After the *Isabella* had been plundered, the master was ordered aboard his vessel, and he and the mate of the *Isabella* were directed to take their things, and were then put aboard the American schooner *Sally*, Capt. Jesse Smith, from Philadelphia.

The *Sally*, which had been captured and plundered by said squadron, was directed to proceed on her voyage. Nothing was thereafter heard of said schooner *Isabella*, and she became a total loss to her owners.

II. The *Isabella* was a duly registered vessel of the United States of 83$\frac{71}{95}$ tons burthen, was built at New Castle, Mass., in 1791, and was owned by Benjamin Smith one-half, John Smith one-fourth, and Daniel Sargent one-fourth, all of whom were citizens of the United States.

III. The cargo of the *Isabella* at the time of capture consisted of fish, beef, pork, shooks, hoops, lard, and dry goods, and was owned by the said Benjamin Smith, John Smith, and Daniel Sargent, and was valued as set forth below.

Lewis Lombard, the master of the *Isabella*, also a citizen of the United States, had an adventure on board, which was of the value of at least the sum insured thereon.

IV. The losses to the owners by reason of the capture of the *Isabella* were as follows:

Value of vessel	$2,490.00
Freight earnings	1,383.33
Value of cargo	3,478.87
Value of individual invoice owned by Benjamin Smith	424.16
Value of master's adventure (as far as covered by insurance)	100.00
Premium of insurance paid (on insurance effected before capture)	260.00
Amounting in all to	8,136.36
Deduct insurance received	5,600.00
Total loss	2,536.36

The loss to Benjamin Smith by reason of said seizure was as follows:

One-half value of vessel	$1,245.00
One-half freight earnings	691.66
One-half value of cargo	1,739.43
Value of individual invoice	424.16
Premium of insurance paid	260.00
Amounting in all to	4,360.25
Deduct insurance received	2,600.00
Net loss	1,760.25

The loss to Daniel Sargent by reason of said seizure was as follows:

One-fourth value of vessel	$622.50
One-fourth freight earnings	345.84
One-fourth value of cargo	869.72
Amounting in all to	1,838.06
Deduct insurance received	1,500.00
Net loss	338.06

V. On the 18th day of June, 1800, Daniel Sargent insured his interest in the vessel and cargo in the Boston Marine Insurance Company in the sum of $1,500, at a premium of 20 per cent.

Thereafter, on the 26th day of September, 1800, said company duly paid the insured the sum of $1,500, being in full for total loss on the above policy.

VI. On the 20th day of May, 1800, Benjamin Smith effected in the office of Joseph Taylor insurance on his interest in the vessel and cargo in the sum of $2,600, paying therefor a premium of 10 per cent, said policy being underwritten by the following-named persons, all of whom were citizens of the United States, each in the sum set opposite his name:

James Scott	$600.00
Nicholas Gilman	600.00
Benjamin Pickman	500.00
Israel Thorndike	500.00
William H. Boardman	400.00

Thereafter, on October 13, 1800, the said Joseph Taylor, as agent, duly paid the said insured the sum of $2,600, being in full for total loss on the above policy.

VII. On the 13th day of May, 1800, John Smith insured his interest in the vessel and cargo in the office of Joseph Taylor in the sum of $1,400, paying therefor a premium of 10 per cent, said policy being underwritten by the following-named persons, all of whom were citizens of the United States, each in the sum set opposite his name:

David Greene	$500.00
Stephen Codman	400.00
Tuthill Hubbart	500.00

Thereafter, on October 13, 1800, the said Joseph Taylor, as agent, duly paid the said insured the sum of $1,400, being in full for a total loss on the above policy.

VIII. On the 29th day of April, 1800, Lewis Lombard, the master of said vessel, effected insurance in the office of Peter C. Brooks on his adventure on board said vessel in the sum of $100, paying therefor a premium of 20 per cent, said policy being underwritten by John C. Jones, a citizen of the United States, for the sum of $100.

Thereafter, on October 30, 1800, Peter C. Brooks, as agent, duly paid the said insured the sum of $100, being in full for a total loss on the above policy.

There was also included in the above policy an insurance on the commissions of the master, but no recovery can be had therefor.

The claimants have produced letters of administration on the estates of the parties for whom they appear and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure of the *Isabella*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, were the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims

of France against the United States; and that the claimants are entitled to the following sums from the United States:

Charles L. De Normandie, administrator of Benjamin Smith, one thousand seven hundred and sixty dollars and twenty-five cents	$1,760.25
Nathan Matthews, administrator of Daniel Sargent, three hundred and thirty-eight dollars and six cents	338.06
Thomas N. Perkins, administrator of John C. Jones, one hundred dollars	100.00
James G. Freeman, receiver of the Boston Marine Insurance Company, one thousand five hundred dollars	1,500.00
George G. King, administrator of James Scott, six hundred dollars	600.00
William G. Perry, administrator of Nicholas Gilman, six hundred dollars	600.00
Jonathan I. Bowditch, administrator of Benjamin Pickman, five hundred dollars	500.00
Edward I. Browne, administrator of Israel Thorndike, five hundred dollars	500.00
Augustus P. Loring, administrator of William H. Boardman, four hundred dollars	400.00
David G. Haskins, administrator of David Greene, five hundred dollars	500.00
Charles K. Cobb, administrator of Stephen Codman, four hundred dollars	400.00
A. Lawrence Lowell, administrator of Tuthill Hubbart, five hundred dollars	500.00
Amounting in all to seven thousand six hundred and ninety-eight dollars and thirty one cents	7,698.31

No person claiming to represent John Smith, part owner of vessel and cargo, has appeared herein.

The estates of Peter C. Brooks and Joseph Taylor have proved no valid claims.

BY THE COURT.

Filed December 2, 1907.

A true copy.

Test this 13th day of December, A. D. 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 366.

FINDINGS IN CASE OF SCHOONER HANNAH, VOAX, MASTER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER HANNAH, JAMES H. VOAX, MASTER.

DECEMBER 16, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 13, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Hannah*, James H. Voax, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1 Supplement to R. S., 2d ed., 471. Vessel schooner *Hannah*, James H. Voax, master.]

No. of case.	Claimant.
286.	Brooks Adams, administrator of Peter Chardon, Brooks, *v.* The United States.
	Morton Prince, administrator of James Prince, *v.* The United States.
	A. Lawrence Lowell, administrator of Nathaniel Fellowes, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
	Chandler Robbins, administrator of Joseph Russell, *v.* The United States.
1908.	George G. King, administrator of Crowell Hatch, *v.* The United States.
2399.	Nathan Matthews, jr., administrator of Daniel Sargent, *v.* The United States.
2983.	Charles U. Cotting, administrator of David Child, otherwise called David W. Child, *v.* The United States.
	Francis M. Boutwell, administrator of William Marshall, jr., *v.* The United States.
3529.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	Edward I. Browne, administrator of Israel Thorndike, *v.* The United States.
	Henry Parkman, administrator of John Lovett, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 13th day of March, 1907.

The claimants were represented by William T. S. Curtis and Theodore J. Pickett, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

The schooner *Hannah*, James H. Voax, master, sailed on a commercial voyage April 7, 1800, from Boston bound to the island of Saint Thomas. While peacefully pursuing said voyage she was seized on the high seas May 1, 1800, by the French privateer *L'Amour de la Patrie*, Captain Hirigoyen, taken to Gaudeloupe by a prize master, and there condemned as good prize by the tribunal of commerce and prizes on May 11, 1800, whereby both vessel and cargo became a total loss to the owners thereof.

The grounds of condemnation as stated in the decree were:

"That the sea letter was not signed by an officer of marine.

"That the vessel carried no rôle d'equipage."

II. The *Hannah* was a duly registered vessel of the United States of 45$\frac{4}{5}$ tons burthen, built in Massachusetts in the year 1799, and owned solely by William Marshall, jr., and David Child, citizens of the United States, residing in Boston.

III. The cargo of the *Hannah* consisted of beef, bacon, salt, butter, cheese, flour, tobacco, candles, pork, salmon, and lard and was owned solely by said William Marshall, jr., and David Child.

IV. The losses to the said owners of vessel and cargo by reason of the premises were as follows, viz:

Value of vessel	$1,800.00
Freight earnings	750.00
Value of cargo	5,268.55
Premiums of insurance paid	800.00
Amounting in all to	8,618.55
Deduct insurance received	8,000.00
Net loss	618.55
Net loss of William Marshall, jr	309.28
Net loss of David Child	309.27

V. April 7, 1800, William Marshall, jr., and David Child, effected through the office of Peter C. Brooks, insurance in the sum of $6,500, to wit, $1,500 on the vessel and $5,000 on the cargo, paying therefor a premium of 10 per cent, the policy being underwritten as follows:

Crowell Hatch	$1,000	Tuthill Hubbart	$1,000
James Prince	500	John C. Jones	1,000
Benjamin Sumner	500	Jeffrey & Russell	1,000
Nathaniel Fellowes	1,000	William Smith	500

Thereafter, Peter C. Brooks, as agent as aforesaid, paid to William Marshall, jr., and David Child $6,500 in full for a total loss on the policy.

February 1, 1804, Benjamin Sumner, for and in consideration of $600 to him paid by Peter C. Brooks and the assumption by the said Brooks of any and all liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

April 4, 1808, the administrators of said Tuthill Hubbart for and in consideration of $60,000 to them paid by Peter C. Brooks, and the assumption by the said Brooks of all and any liabilities and disadvantages arising from his underwriting in the office of said Brooks, assigned to said Brooks all the right, title, and interest in and to all insurance done by said Hubbart as an underwriter in the office of said Brooks.

December 16, 1801, William Smith, in consideration of $3,715.50, to him paid by Peter C. Brooks, and the assumption by said Brooks of all and any liabilities arising from his underwriting in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him as an underwriter in the office of said Brooks.

April 28, 1800, William Marshall, jr., and David Child effected further insurance through the office of Joseph Taylor, in the sum of $1,500, to wit, $500 on the vessel and cargo, and $1,000 on the freight, paying therefor a premium of 12 per cent, the policy being underwritten as follows:

Daniel Sargent	$500
Israel Thorndike	700
John Lovett	300

Thereafter, Joseph Taylor, as agent, paid the said assured the sum of $1,500 in full for a total loss on the policy, but the freight being valued at $750 there was an overinsurance on this policy in the sum of $250, and the respective underwriters are therefore only entitled to recover 83⅓ per cent of the amount underwritten by them. Their loss is therefore as follows:

Daniel Sargent	$416.67
Israel Thorndike	583.33
John Lovett	250.00

All of the above underwriters were citizens of the United States.

The claimants have produced letters of administration on the estates of the parties for whom they appear and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Hannah*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Charles U. Cotting, administrator of David W. Child, three hundred and nine dollars and twenty-seven cents	$309.27
Francis M. Boutwell, administrator of William Marshall, jr., three hundred and nine dollars and twenty-eight cents	309.28
Brooks Adams, administrator of Peter C. Brooks, two thousand dollars	2,000.00
Morton Prince, administrator of James Prince, five hundred dollars	500.00
A. Lawrence Lowell, administrator of Nathaniel Fellowes, one thousand dollars	1,000.00
Chandler Robbins, administrator of Joseph Russell, for and on behalf of the firm of Jeffrey & Russell, one thousand dollars	1,000.00
Thomas N. Perkins, administrator of John C. Jones, one thousand dollars	1,000.00
George G. King, administrator of Crowell Hatch, one thousand dollars	1,000.00
Nathan Matthews, jr., administrator of Daniel Sargent, four hundred and sixteen dollars and sixty-seven cents	416.67
Edward I. Browne, administrator of Israel Thorndike, five hundred and eighty-three dollars and thirty-three cents	583.33
Henry Parkman, administrator of John Lovett, two hundred and fifty dollars	250.00
Amounting in all to eight thousand three hundred and sixty-eight dollars and fifty-five cents	8,368.55

The difference between the total loss as set forth in Paragraph IV and the amount allowed herein arises from the fact of overinsurance on freight as set out in Paragraph V.

BY THE COURT.

Filed April 1, 1907.
A true copy:
Test this 13th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 367.

FINDINGS IN CASE OF BRIG ABIGAIL.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE BRIG ABIGAIL, JEREMIAH TIBBETTS, JR., MASTER.

DECEMBER 16, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 13, 1907.

SIR: Pursuant to the order of the Court of Claims I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Abigail*, Jeremiah Tibbetts, jr., master.

I am, very respectfully yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S. 2d ed., 471. Vessel brig *Abigail*, Jeremiah Tibbetts, jr., master.]

No. of case.	Claimant.
2708.	William H. Sise, administrator of Ebenezer Tibbetts, *v.* The United States.

PRELIMINARY STATEMENT.

This case was tried before the Court of Claims on the 14th day of November, 1907. The claimant was represented by William T. S. Curtis and Theodore J. Pickett, esqrs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

FINDINGS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The brig *Abigail*, whereof Jeremiah Tibbetts, jr., was then master, sailed on a commercial voyage January 19, 1797, from Portsmouth bound to the island of St. Croix. While peacefully pursuing said voyage she was seized on the high seas February 9, 1797, by the French privateer *Furet*, Capt. Jean Davignon, who took the master of the *Abigail* and three of his crew on board and detained them on the privateer and put the *Abigail* under the charge of a prize master and crew. Thereafter the *Abigail*, together with the privateer, arrived at Basseterre, Guadaloupe, where the said Jeremiah Tibbetts, jr., was detained for three days on the said privateer, and then taken on shore and examined by the authorities, after which he was not permitted to go on board the *Abigail* and no provision was made for his support.

On February 17, 1797, trial was had before the tribunal of commerce in the said island and a decree was passed that the said vessel should be detained three months in order to allow Edward Sise, supercargo of the *Abigail*, to obtain from America a certificate from the French consul that he, the said supercargo, has been naturalized according to law, and in the meantime directed that the cargo should be sold to avoid deterioration.

Thereafter the said Edward Sise did produce satisfactory evidence that he had been legally naturalized a citizen of the United States since 1784, and on the 24th Floreal, 5th year (May 13, 1797), the said tribunal of commerce released the vessel and the proceeds of the sales of the cargo to the owner thereof, but at the same time decreed that the demands for damages were not well founded, for the reason that the said supercargo was not in good form, being obliged to return to America to procure papers which were indispensable for the navigation of the vessel and without which he could not sail.

In all, the brig *Abigail* was detained by the French for a period of ninety-five days.

II. The *Abigail* was a duly registered vessel of the United States of 92 1/95 tons burthen, built in New Hampshire in the year 1796, and owned solely by Ebenezer Tibbetts, a citizen of the United States.

III. The cargo of the *Abigail* consisted of vats and heads, oak butts with heads, shooks and heads, staves, hoops, boards, shingles, soap, beef, rye meal, Indian meal, and three saddles and bridles and was of the value per manifest of $2,060.67, the same being the property of the said Ebenezer Tibbetts.

The cargo when sold at Guadaloupe produced the sum of 17,420 livres 8 sols, or $1,935.40, being a loss to said owner on said cargo in the sum of $125.27.

IV. The losses to the said owner of the *Abigail* and cargo by reason of said seizure, etc., were as follows:

Loss on cargo	$125.27
Freight earnings	1,533.33
Detention of vessel	1,456.00
Amounting in all to	3,115.00

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the brig *Abigail* as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants in their representative capacity are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimant is entitled to the following sum from the United States:

William H. Sise, administrator of Ebenezer Tibbetts, three thousand one hundred and fifteen dollars $3,115.00

Three thousand one hundred and fifteen dollars.

There is no claim for the vessel herein, the same having been released.

BY THE COURT.

Filed December 2, 1907.
A true copy.
Test this 13th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 368.

FINDINGS IN CASE OF BRIG LUCY, GRANT, MASTER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE BRIG LUCY, CHRISTOPHER GRANT, MASTER.

DECEMBER 16, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 13, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Lucy*, Christopher Grant, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Lucy*, Christopher Grant, master.]

No. of case.	Claimant.
59.	Robert Codman, administrator of William Gray, *v.* The United States.
1038.	Charles F. Adams, administrator of Peter C. Brooks, *v.* The United States.
2042.	George G. King, administrator of Crowell Hatch, *v.* The United States.
2985.	Daniel W. Salisbury, executor of Samuel Salisbury, *v.* The United States. Louis Higginson, administrator of Stephen Higginson, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 23d day of October, 1906. The claimants were represented by William T. S. Curtis, Theodore J. Pickett, Edward Lander, and Charles W. Clagett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSIONS OF FACT.

The majority of the court, upon the evidence and after hearing the arguments and considering the same, with the briefs of counsel on each side, determine the facts to be as follows:

I. The brig *Lucy*, whereof Christopher Grant was master, sailed on a commercial voyage August 18, 1798, from Penobscot River bound to Martinico. While peacefully pursuing said voyage she was seized on the high seas on or about the 26th day

of September, 1798, by the French privateer *La Revanche*, Captain Liebbe, who took the master and his crew from on board their vessel and carried said brig *Lucy* into Guadaloupe, where the said master and his crew were sent on board a prison ship, without being allowed to get a protest or a copy of the condemnation. He was examined in preparatorio September 28, 1798, while imprisoned.

Thereafter, to wit, September 30, 1798 (Vendemaire 9, year 7), said vessel and cargo were condemned as good prize by the tribunal of commerce and prizes sitting at Basseterre, Guadaloupe, whereby the same became a total loss to the owners.

The grounds of condemnation, as set forth in the decree, were as follows:

First. That the said brig *Lucy* was bound for Martinique, an island in the possession of the English.

Second. That her sea papers were not in order, there being no list of the crew, no invoice, nor bill of lading.

II. The brig *Lucy* was a duly registered vessel of the United States of 139$\frac{1}{95}$ tons burthen, was built at Kennebunk in the year 1792, and was owned by Stephen Higginson, jr., and Samuel Salisbury, jr., citizens of the United States, each one-half.

III. The cargo of the brig *Lucy* at the time of capture consisted of oil, shingles, boards, fish, beef, and pork, and was owned by said Salisbury and Higginson.

IV. The loss to the said Salisbury and Higginson, the owners of the vessel and cargo, was as follows:

Value of vessel	$4,865.00
Value of cargo	2,435.00
Freight earnings	2,318.00
Premiums of insurance paid	2,061.66
	11,679.66
Deduct insurance received	7,500.00
Loss to Salisbury and Higginson	4,179.66

V. June 16, 1798, Salisbury and Higginson effected insurance on said vessel and cargo in the sum of $7,500 (half on each) in the office of Peter C. Brooks for said voyage, paying therefor a premium of 33⅓ per cent.

The underwriters on said policy, all of whom were citizens of the United States, and the amounts subscribed by each are as follows:

Crowell Hatch	$1,000.00
Caleb Hopkins	1,000.00
William Smith	1,000.00
David Greene	1,000.00
William Gray, jr	1,000.00
William Stackpole	500.00
Tuthill Hubbart	1,000.00
Nathaniel Fellowes	1,000.00

Thereafter the said Peter C. Brooks, as agent, duly paid the said assured the sum of $7,500, being a total loss to each of said underwriters of the amount underwritten by them.

Said Salisbury and Higginson insured the cargo in the sum of $3,750, the value of the said cargo being $2,435. They were therefore overinsured in the sum of $1,315.

VI. December 8, 1801, the administrator of the estate of Caleb Hopkins, in consideration of the sum of $3,000 to him paid by Peter C. Brooks, and the assumption by the said Brooks of all disadvantages arising from the underwriting of said Hopkins in the office of said Brooks, assigned to said Brooks all the right, title, and interest in and to all insurance done by the said Hopkins in the office of the said Brooks.

December 16, 1801, William Smith, for and in consideration of $3,715.50, and the assumption of all disadvantages arising from the underwriting of said Smith in the office of said Brooks, assigned to said Brooks all the right, title, and interest in and to all insurance done by him in the office of said Brooks.

December 23, 1801, David Greene, for and in consideration of $6,000, and the assumption of all disadvantages arising from the underwriting of said Greene in the office of said Brooks, assigned to said Brooks all his right, title, and interest in and to all insurance done by him in the office of said Brooks.

April 14, 1808, Tuthill Hubbart, for and in consideration of $60,000, and the assumption of all disadvantages arising from the underwriting of said Hubbart in the office of said Brooks, assigned to said Brooks all the right, title, and interest in and to all insurance done by him in the office of said Brooks.

February 1, 1804, William Stackpole, for and in consideration of $8 000. and the assumption of all disadvantages arising from the underwriting of said Stackpole in the office of said Brooks assigned to said Brooks all the right, title, and interest in and to all insurance done by him in the office of said Brooks.

VII. The claimants herein have produced letters upon the estates of their decedents, and have otherwise proved to the satisfaction of the court that the parties they represent are in fact the same persons who suffered loss by reason of the capture and condemnation of the brig *Lucy* as aforesaid.

VIII. Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April. 1803. and were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d day of February. 1819. and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July. 1831.

The claimants in their representative capacity are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The majority of the court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September. 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Daniel W. Salisbury. surviving executor of Samuel Salisbury, two thousand and eighty-nine dollars and eighty-three cents	$2,089.83
Louis Higginson. administrator of Stephen Higginson, two thousand and eighty-nine dollars and eighty-three cents	2,089.38
Charles F. Adams, administrator of Peter C. Brooks, four thousand five hundred dollars	4,500.00
Robert Codman, administrator of William Gray, one thousand dollars	1,000.00
George G. King, administrator of Crowell Hatch, one thousand dollars	1,000.00
A. Lawrence Lowell, administrator of Nathaniel Fellowes, one thousand dollars	1,000.00
Amounting in all to eleven thousand six hundred and seventy-nine dollars and sixty-six cents	11,679.66

BY THE COURT.

Filed February 18, 1907.
A true copy.
Test this 13th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 369.

FINDINGS IN CASE OF BRIG BETSEY, BOYER, MASTER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE BRIG BETSEY, DANIEL BOYER, MASTER.

DECEMBER 16, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 14, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the Court relating to the vessel brig *Betsey*, Daniel Boyer, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Betsey*, Daniel Boyer, master.]

No. of case.	Claimant.
5268.	Samuel Abbott Fowle, administrator of the estate of George Makepeace, deceased, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 20th day of March, 1907.

The claimants were represented by Charles W. Calgett, esq., and the United States, defendants, by the Attorney-General, through his assistants in the Department of Justice, John W. Trainer and Stanhope Henry, esqs., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The brig *Betsey*, Daniel Boyer, master, was a duly registered vessel of the United States, of 140 tons burthen, was built at Newburyport, Mass., in 1785, and was owned by Samuel Dowse, a citizen of the United States.

The brig *Betsey*, Daniel Boyer, master, sailed on a commercial voyage from Boston, Mass., on the 16th day of February, 1794, bound for Cape Francois. On March 16, 1794, said vessel arrived at Cape Francois, where, on the 24th day of May, 1794, by the

order of the French administration at that place, the cargo of the *Betsey* was confiscated. The circumstances attending the confiscation are stated in the order of Bignon, the head of the administration, as follows:

"In the name of the French Republic, Captain Daniel Boyers, commander of the brig *Betsey*, is ordered to land immediately all his cargo that it may be brought to succor the troops who are destitute of everything, the magazines of the Republic being entirely exhausted, and to this effect a guard is sent on board the said brig sufficient for the prompt execution of our orders. And the said captain shall be paid at the current rate of the place, by all the means that may be in our power.

"The Cape, March 23, 1794, the third year of the French Republic.

"By the head of the administration.

"(Signed) BIGNON.

"Approved by us, commandant of the place.

"(Signed) VILLATE."

Daniel Boyer, the master, in his protest, states the circumstances of the seizure of the cargo in the following language:

"That I sailed from Boston in said brig on the 16th day of February last, and meeting with nothing very remarkable on my passage I arrived in good order at the port or harbor of Cape Francois, in the island of Hispaniola, on the 16th day of March last, having on board fish, beef, pork, flour, candles, soap, lard, bacon, cheese, butter, boards, etc.; that on my arrival at the cape I was prevented by the Government from selling my cargo to the most advantage, and Government insisted on my delivering the whole of it to the officers of said Government; that I refused doing it, alleging that it was an infringement on my right, and presented a memorial to the Government by which I offered to deliver to the Government the articles most necessary to life and demanded the privilege granted to others before me of selling the rest of my cargo to the inhabitants. My demand was not granted, and an ordinance of the chief of the administration, Mr. Bignon, dated the 23d of March and revised by the commander in chief, Mr. Villate, was produced to me by a detachment of armed men sent on board of my vessel to unload immediately all my cargo for the use of the garrison, containing a promise that I should be paid at the current price of the place, in consequence of which my cargo was taken by force by the Government at the prices mentioned in the account annexed, made by the storekeeper of the public magazine, accepted by Mr. Bignon, chief of the administration, at much lower rates than I could have obtained from the inhabitants; that I was promised to be paid in produce and waited from the 4th April (that I was unloaded) till the 18th May to receive the payment, but was finally answered that it was not in the power of the Government to pay me, not being able to get the produce, the enemy being master of the country round them, and they could not give me the money and accordingly gave me the certificate of the same date annexed to certify it. I then prepared to get away and made out the night of the 24th May through the squadron of Spaniards, which were then cruising off the harbor, without being discovered, and arrived at Boston on the 11th of June current. And the said Daniel Boyer, for the causes aforesaid, has requested me to protest against the aforesaid Mr. Villate, commander in chief, and Mr. Bignon, the chief of the administration, for all damages, losses, cost, and charges sustained or to be sustained by reason of the seizing and taking away by an armed force the cargo of said brig, as aforesaid, and refusal to pay him the just value thereof, as aforesaid. (Signed) Daniel Boyer, Andrew Gardner, Thomas Woodman, Lewis Burn.

"Wherefore I, the said notary, at the request aforesaid, have protested, and do hereby solemnly protest, against the said Mr. Villate, commander in chief of Cape Francois at the time aforesaid, and Mr. Bignon, chief of the administration at the same time and place, and all others concerned, for all damages, injuries, losses, costs, and charges suffered and sustained, or to be suffered and sustained, by the owners, freighters, insurers, and all others whom it doth or may concern by reason or in consequence of the taking away by armed force the cargo of the said brig *Betsey* and refusing to make, and the not having made, payment in whole or in part for any of the said articles of said cargo so forcibly taken and carried away as aforesaid. This done and protested at Boston aforesaid, on the day and year aforesaid, in the presence of the said Daniel Boyer, master of the said brig, and Andrew Gardner, mate, and Thomas Woodman and Levi Burn, seamen on board the said brig at the time of her misfortune, who severally made oath to the truth of the foregoing declaration by them subscribed. In faith of the premises. (Signed) Samuel Barrett, Notary Public, as aforesaid. (Seal.)"

II. The cargo of the *Betsey*, at the time of capture, consisted of pork, hog's lard, butter, bacon, cheese, soap, candles, fish, beef, flour, and pine boards; was owned by Samuel Dowse, a citizen of the United States, and was of the value at the time of seizure of $11,250.75.

III. On the 12th day of June, 1794, said Samuel Dowse sold, transferred, and assigned said claim for the cargo so taken at Cape Francois to Stephen Vernon, of Boston, Mass., in consideration of the sum of £4,000, or $13,320, paid by said Vernon to said Dowse.

On the 25th day of July, 1797, said Stephen Vernon sold and assigned said claim to David Stearns, of Charlestown, Mass., in consideration of the sum of £4,000, or $13,320, paid by said Stearns to said Vernon.

Thereafter the said Dowse repurchased said claim from said David Stearns and transferred it to George Makepeace, a citizen of the United States. At the date of said repurchase by said Dowse of said Stearns, said Samuel Dowse was indebted to said George Makepeace in a sum exceeding $11,400, and assigned said claim to said Makepeace in payment thereof; that from the said 17th of May, 1798, until the present time said claim has been in the possession of and held by the said George Makepeace and his heirs.

IV. The loss of the said George Makepeace, who was a citizen of the United States, by reason of said confiscation was:

The value of the cargo..... $11,250.75

The claimant has produced letters of administration on the estate of the party for whom they appear and has otherwise proved to the satisfaction of the court that the person for whose estate he has filed the claim is in fact the same person who suffered loss by reason of the seizure and condemnation of the brig *Betsey*, as set forth in the preceding findings.

Said claim was not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. It was not a claim growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and was not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimant in his representative capacity is the owner of said claim, which has been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claim was relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimant is entitled to the following sum from the United States:

Samuel Abbott Fowle, administrator of the estate of George Makepiece, deceased, assignee of Samuel Dowse, eleven thousand two hundred and fifty dollars and seventy-five cents..... $11,250.75

The owners of the vessel and freight are not in court.

By THE COURT.

Filed April 1, 1907.
A true copy.
Test this 14th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 370.

FINDINGS IN CASE OF BRIG BROTHERS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE BRIG BROTHERS, GEORGE PARSONS, MASTER.

DECEMBER 16, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 13, 1907.

SIR: Pursuant to the order of the Court of Claims I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Brothers*, George Parsons, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L. 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Brothers*, George Parsons, master.]

No. of case.	Claimant.
936.	Brooks Adams, administrator of Peter C. Brooks, *v.* The United States.
	Chandler Robbins, administrator of Joseph Russell, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
1895.	George G. King, administrator of Crowell Hatch, *v.* The United States.
2834.	David G. Haskins, administrator of David Greene, *v.* The United States.
3449.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 14th day of March, 1907. The claimants were represented by William T. S. Curtis and Theodore J. Pickett, esqrs, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The brig *Brothers*, whereof George Parsons was master, sailed from the port of Savannah, Ga., September 15, 1799, bound for Martinique. On the 11th day of Octo-

ber following the *Brothers* arrived at Bermuda, and on the 24th of the same month she departed from Bermuda on her intended voyage to Martinique, and on the 6th day of November following, while peacefully pursuing said voyage, was seized by a French privateer from Guadaloupe, which placed a prize master on board, with orders to proceed to said island; but on the same day was retaken by the United States brig *Pickering* and conducted to the island of St. Christopher and upon payment of the usual salvage was released, and on the 19th day of December following sailed therefrom, bound to Martinique, and while peacefully pursuing her said voyage was seized on the 23d day of said month by the French privateer *Cygne*, Captain Lorailles, and a prize crew placed on board, which conducted the *Brothers* to the island of Guadaloupe, and on the 29th day of the said month both vessel and cargo were condemned as good prize and ordered sold for the benefit of the captors by the tribunal of commerce and prizes, sitting at Basseterre, in the said island, whereby the same became a total loss to the owners thereof.

The grounds of condemnation as stated in the decree were as follows, viz:

Considering that from the said analyzed papers and from the aforesaid report of examination it is evident that everything demonstrates that the cargo belongs to Messrs. Richard Shelmerding and Andrew Charrurier, merchants of Martinique, who have chartered the vessel in question pursuant to a charter party which is appended to the said papers and which was entered into at the island of Martinique July 7, 1799, and from the statement made by the captain of the said vessel, who says that he believes that the said cargo is for the account of merchants of Martinique.

Considering that the captain has no rôle d'équipage whatever, having admitted in his examination that he had none, but only agreements made with his crew, an imperfect document, not being invested with the signatures of public officers.

II. The *Brothers* was a duly registered vessel of the United States of 150 tons burthen, built at Alexandria, in the State of Virginia, in the year 1785, and owned solely by David Greene, a citizen of the United States residing in Boston, in the State of Massachusetts.

III. The cargo of the *Brothers* consisted of rice, tobacco, and shingles and was owned by the firm of Dennison & Williams, for whom no claim has been filed. The value of the cargo does not appear.

John Blanchard, a citizen of the United States, was the owner of an adventure on board consisting of soap and beef of the value per invoice of $130.70, exclusive of premium of insurance paid.

IV. The loss to David Greene by the seizure and condemnation of the *Brothers* was as follows, viz:

Value of the vessel	$4,000.00
Freight earnings (none allowed).	
Premium of insurance paid	648.00
Amounting in all to	4,648.00
Deduct insurance received	3,600.00
Net loss to David Greene	1,048.00

V. September 23, 1799, David Greene effected, through the office of Peter C. Brooks, insurance on the vessel in the sum of $3,600, paying therefor a premium of 18 per cent, the policy being underwritten as follows, viz:

Jeffrey & Russell	$500.00
John C. Jones	1,000.00
Benjamin Bussey	1,000.00
Stephen Gorham	600.00
William H. Bordman	500.00

Thereafter said Peter C. Brooks, as agent, duly paid the said assured the sum of $3,600 as and for a total loss by reason of the seizure and condemnation of said vessel by the French.

September 23, 1799, David Greene effected, through the office of Peter C. Brooks, insurance on the freight, but, the neutrality of the cargo not being shown, the insurance thereon is not allowed.

January 6, 1800, John Blanchard effected, through the office of Joseph Taylor, insurance on the cargo in the sum of $140, paying therefor a premium of 14 per cent, the policy being underwritten as follows, viz:

John C. Jones	$140.00

Thereafter said Taylor, as agent, duly paid to said assured the sum of $140 as and for a total loss by reason of the premises. The value of said cargo so insured was $136.70,

and said Blanchard was therefore overinsured in the sum of $3.30. The amount recoverable on this policy is therefore the said sum—$136.70.

All of the above-named underwriters were citizens of the United States.

After said payment, to wit, February 15, 1805, for and in consideration of $10,000 to him paid and the assumption of all his responsibility as an underwriter in the office of said Peter C. Brooks, said Benjamin Bussey assigned to said Brooks all his interest in said business.

After said payment, to wit, November 21, 1801, for and in consideration of $2,986.65 to him paid and the assumption of all his responsibility as an underwriter in the office of said Peter C. Brooks, said Stephen Gorham assigned to the said Brooks all his interest in and to said business.

After said payment, to wit, November 15, 1804, for and in consideration of $13,250 to him paid and the assumption of all his responsibility as an underwriter in the office of said Peter C. Brooks, said William H. Bordman assigned to said Brooks all his interest in said business.

The firm of Jeffrey & Russell was composed solely of Patrick Jeffrey and Joseph Russell, the last named being the surviving partner of the firm.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Brothers*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Brooks Adams, administrator of Peter C. Brooks, two thousand one hundred dollars	$2,100.00
Chandler Robbins, administrator of Joseph Russell, surviving partner of Jeffrey & Russell, five hundred dollars	500.00
Thomas N. Perkins, administrator of John C. Jones, one thousand one hundred and thirty-six dollars and seventy cents	1,136.70
David G. Haskins, administrator of David Greene, one thousand and forty-eight dollars	1,048.00
Amounting in all to four thousand seven hundred and eighty-four dollars and seventy cents	4,784.70

The owners of the cargo are not in court.

BY THE COURT.

Filed April 1, 1907.
A true copy.
Test this 13th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 371.

FINDINGS IN CASE OF SLOOP SCRUB.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SLOOP SCRUB, JOHN RUSSELL, MASTER.

DECEMBER 16, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 14, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Scrub*, John Russell, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliation. Act of January 20, 1885; 23 Stat. L., 283. Vessel sloop *Scrub*, John Russell, master.]

No. of case.	Claimant.
4458.	Newton Dexter, administrator of the estate of Joseph Martin, deceased, *v.* The United States.

SUPPLEMENTARY FINDINGS.

CONCLUSIONS OF FACT.

This case was tried before the Court of Claims on the 12th day of February, 1907.

The claimant was represented by Edward Lander, esq., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The sloop *Scrub*, a duly registered vessel of the United States, of 71$\frac{33}{95}$ tons burden, whereof John Russell was master and Benjamin Williams was owner, both citizens of the United States, sailed on a commercial voyage on the 5th of April, 1797, from Kingston, Jamaica, having on board a cargo of merchandise bound for Habana and thence to some port in Connecticut.

II. The cargo was the property of said Benjamin Williams, and was of the value of $1,307.

Said vessel while peacefully pursuing her voyage, laden as aforesaid, was captured on the 10th of April, 1797, by the French corsair *La Revanche*, Capt. Louis Nadal, and carried into Habana, and on or about the 20th of April, 1797, was, together with the cargo, condemned by a French tribunal and the maritime agent of the French Republic at the island of Cuba, resident at Habana, charged with the entire execution of the decree.

III. The following is a copy of the decree of condemnation:

"Having seen the procedure had the 22d Prairial last by Maurice Rondineau, maritime agent of the Republic at the island of Cuba, residing at Havana, in regard to the prize of the ship *Scrub*, from the port of Wilmington, Capt. Jno. Russell, captured the 30th Germinal last by the corsair *La Revanche*, Capt. Louis Nadal, and brought into Havana;

"Considering that it results from the procedure that the said ship had been captured coming out of the port of Kingston, island of Jamaica, whence she had been despatched the 3d of April, 1797;

"Considering that the resolution of the executive directory of the 14th Messidor, year 4, prescribes to all commanders of the ships of the Republic and to all captains of corsairs particular to treat all neutral ship in the same way that they have allowed themselves to be treated by the English;

"Considering that it is of wide notoriety that the agents of the British Government in the Antilles do not respect any neutral flag, and notably those of the United States; that this notoriety is confirmed by numerous declarations made or deposed to the secretary-ship general of the commission; that even various commanders of English men of war have furnished material proof of this conduct towards the ships of the United States of America, which proofs will be found again likewise in the archives of the commission;

"Considering that it is only since the official reception of the said resolution of the executive directory, and after the notoriety of the conduct of the agents of the English Government in the Antilles toward neutral ships, and especially towards those of the United States of America, that the commission has made its decree of the 18th Nivose last, by which it declares good prize all neutral ships going into English ports or which are coming out;

"The commission has decreed and does decree that the ship *Scrub*, of Wilmington, Capt. Jno. Russell, taken the 30th Germinal last by the corsair *La Revanche*, Capt. Louis Nadal, and taken into Havana, is a good prize, as well as her cargo, and all that which can appertain thereto, and that all shall be sold to the profit of the captors, owners, and interested parties in the outfit of the said corsair; that consequently all guardians or other detainers of the said ship, in whole or part, of her cargo, circumstances, and appendages, are held to give up the possession of it, into the hand of the said captain captor or his representatives.

"The present decree will be notified to whom it may concern at the diligence of the said captain captor or his representative.

"The maritime agent of the Republic at the island of Cuba, resident at Havana, is charged with the entire execution of the present decree."

IV. In 1797 Benjamin Williams obtained a policy of insurance from John Mason, insurance broker, of Providence, R. I., in the sum of $3,500 "on the sloop *Scrub* and her appurtenances; also on her cargo on board from Newburn, North Carolina, to Jamaica, at and from thence to any one port in the United States, with liberty to touch at Habana on her homeward passage, against all risks." Said policy was underwritten, among others, by Joseph Martin in the sum of $300.

V. On October 10, 1797, Joseph Martin, through his agent, John Mason, paid to said Benjamin Williams the said sum of $300. Said Joseph Martin was a native citizen of the United States.

VI. The claimant has obtained letters of administration for the party whom he represents, and has otherwise proven to the satisfaction of the court that the person on whose estate he is administrator, is the same person who suffered loss through the capture of the sloop *Scrub* and cargo, as set forth in the preceding findings, to wit, in case No. 4458, Newton Dexter, administrator of the estate of Joseph Martin, deceased.

Said claim was not embraced in the convention between the United States and the Republic of France, concluded on the 30th of April, 1803, and was not a claim growing out of the acts of France allowed and paid, in whole, or in part, under the provisions of the treaty between the United States and Spain, concluded on the 22nd day of February, 1819, and was not allowed, in whole or in part, under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimant below named in the conclusion of law in his representative capacity, is the owner of said claim, which has never been assigned.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owner and insurer had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimant is entitled to the following sum from the United States:

Newton Dexter, administrator of the estate of Joseph Martin, deceased, to the sum of three hundred dollars $300.00

BY THE COURT.

Filed February 18, 1907.

A true copy.
Test this 14th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 372.

FINDINGS IN CASE OF SCHOONER WILLIAM LOVEL.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER WILLIAM LOVEL, JOHN K. HILL, MASTER.

DECEMBER 16, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 14, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel *William Lovel*, John K. Hill, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *William Lovel*, John K. Hill, master.]

No. of case.	Claimant.
1763.	Gustavus W. Ridgely, administrator of George P. Keeports, *v.* The United States.
	Antoinette Williams, administratrix of John McFaden, *v.* The United States.
	William Clayton Lawson, administrator of Richard Lawson, *v.* The United States.
	David Stewart, administrator of George Sears, *v.* The United States.
2179.	David Stewart and John E. Semmes, receivers of the Maryland Insurance Company, *v.* The United States.
3144.	William D. Lee, Thomas D. Lee, Henry A. Lee, Joseph A. Lee, Virginia Waters, administrators of William Duncan, *v.* The United States.
	Luke Tiernan Brian, administrator of Luke Tiernan, *v.* The United States.
2555.	Richard Delafield, administrator of John Delafield, surviving partner of the firm of Church & Delafield, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 14th day of November, 1907. The claimants were represented by William T. S. Curtis and Theodore J. Pickett, esqs., and The United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

FINDINGS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *William Lovel*, whereof John K. Hill was then master, sailed on a commercial voyage in the month of October, 1797, from Fredericksburg, Va., bound to Antigua. While peacefully pursuing said voyage she was seized on the high seas on or about the 21st day of November, 1797, by the French privateer *Victorieuse*, the captain of which removed the said John K. Hill from on board the *William Lovel*, and carried him on board the privateer. A prize crew was then placed in charge of the *William Lovel* with orders to conduct her to Guadeloupe. The privateer then bore away to St. Bartholomew, where the said John K. Hill was landed, and from whence he tried his best to get to Guadeloupe to learn the fate of his vessel, but could not reach there until the 6th day of December following, and where he learned that his vessel had been condemned by the tribunal of commerce sitting at Basseterre in the said island, by decree dated on the 3d day of said month, whereby both vessel and cargo became a total loss to the owners thereof.

The grounds of condemnation as stated in the decree were as follows, viz:

Considering that the supercargo was born a Scotchman, and doth not prove his American naturalization conformably to the 12th article of the law of the 21st October, 1744, comprised in these terms: "All foreign ships shall be good prize upon which there shall be a supercargo, merchant, clerk, or marine officer of an enemy's country, &c.;"

Considering the irregularity of her papers, the want of invoices, of the role d'equipage, which appears to have been thrown into the sea after the process verbal of the capture, and of the false route which he appeared to keep after the said process verbal:

II. The *William Lovel* was a duly registered vessel of the United States, as appeared by her register on board at the time of said seizure, but it does not appear who were her owners or owner at the said date, nor are her age and tonnage given;

III. The cargo, as far as established by the evidence, consisted of 79 barrels of flour and 2,954½ bushels of corn of the value at the place of shipment of $2,743.11, the same being the property of William Duncan, a citizen of the United States.

IV. The losses to said William Duncan by reason of said seizure and condemnation were as follows, viz:

Value of cargo	$2,743.11
Premium of insurance paid	525.00
Advance freight paid	700.00
	3,968.11
Deduct insurance received	3,339.40
Net loss	628.71

V. October 25, 1797, said William Duncan effected insurance on said cargo for the said voyage with the Maryland Insurance Company in the sum of $3,500, paying therefor a premium of 15 per cent.

April 25, 1798, the said company duly paid the said assured the sum of $3,339.40, as and for a total loss on said policy by reason of the premises.

November 30, 1797, said William Duncan, as agent, effected insurance on said vessel and freight in the office of George P. Keeports, insurance broker of Baltimore, but it is not shown who the owners of said vessel were or that the persons for whom said insurance was made had any interest in said vessel and freight, and hence no allowance is made therefor.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *William Lovel*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimants are entitled to the following sums from the United States:

William D. Lee, Thomas D. Lee, Henry A. Lee, Joseph A. Lee, and Virginia Waters, administrators of William Duncan, six hundred and twenty-eight dollars and seventy-one cents	$628.71
David Stewart and John E. Semmes, receivers of the Maryland Insurance Company, three thousand three hundred and thirty-nine dollars and forty cents	3,339.40
Amounting in all to three thousand nine hundred and sixty-eight dollars and eleven cents	3,968.11

George P. Keeports, George Sears, Richard Lawson, John McFadon, Richard Delafield, surviving partner of Church & Delafield, and Luke Tiernan, surviving assignee, have proved no valid claims.

BY THE COURT.

Filed December 2, 1907.
A true copy.
Test this 14th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 385.

FINDINGS IN CASE OF MARGARET M. DONNELLY, WIDOW OF EDWARD W. DONNELLY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF MARGARET M. DONNELLY, WIDOW OF EDWARD W. DONNELLY, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 19, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 16, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 10555. Estate of Edward W. Donnelly, deceased, v. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Edward W. Donnelly, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed May 25, 1903.

[Court of Claims. Congressional case No. 10555. Margaret M. Donnelly, widow of Edward W Donnelly, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case, for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims on the 1st day of April, 1902.

On a preliminary inquiry the court, on the 25th day of May, 1903, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 9th day of December, 1907.

George A. and William B. King, esqs., appeared for claimant, and the Attorney-General, by Malcolm A. Coles, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in her petition makes the following allegations:

The claimant appeared in this court and filed her petition September 9, 1902, in which it is substantially averred that:

The following property belonging to Edward W. Donnelly was taken from him by the United States Army, the date, place, and command being particularly stated below:

In Fauquier County, in the State of Virginia, on or about the years 1862 and 1864, by the United States troops—

1 horse taken in the spring of 1862 by General Gregg's command	$175
1 horse taken by Colonel De Forest in 1864	175
37 sheep, at $5 each, taken by reserve artillery in 1864	185
2 hogs taken by United States troops in spring of 1864	30
Chickens, turkeys, and other fowls taken at different times	80
Products of garden for three years	300
	945

That a claim for said property was presented to the Fifty-fifth and Fifty-sixth Congresses, the items of said claim being as heretofore stated.

Said claim was not allowed by said tribunal, the ground for said action being that it was not considered that the claimant was a citizen of the United States.

The claim has been presented to the Fifty-fifth and Fifty-sixth Congresses and was by the resolution of the House of the said Fifty-sixth Congress referred to the Committee on War Claims of the said House, by which committee it was on the 1st day of April, 1902, referred to this court for a finding of facts in accordance with section 1 of an act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

During the war for the suppression of the rebellion the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent, in Fauquier County, State of Virginia, property of the kind and character described in the petition, which was then and there reasonably worth the sum of three hundred and sixty dollars ($360).

No payment appears to have been made for any part thereof.

BY THE COURT.

Filed December 9, 1907.

A true copy.

Test this 16th day of December, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 386.

FINDINGS IN CASE OF FRANK READ, ADMINISTRATOR OF JAMES S. READ.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF FRANK READ, ADMINISTRATOR OF JAMES S. READ, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 19, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 17, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 4067. James S. Read *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that James S. Read, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

[Court of Claims. Congressional Case No. 4067. Frank Read, administrator estate of James S. Read, deceased, *v.* The United States.

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims, House of Representatives, on the 20th day of April, 1888.

On a preliminary inquiry the court, on the 29th day of April, 1907, found that the

person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 28th day of October, 1907.

C. A. & F. W. Brandenburg, esqs., appeared for claimant, and the Attorney-General, by Clark McKercher, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That said James S. Read, deceased, during the said war was a resident of Davidson County, Tenn., and was the owner and possessor on his farm in said county and State of certain quartermaster stores and commissary supples, which in the fall of 1864 were seized and appropriated to the use of the military forces of the United States then stationed and operating in said locality, according to the following bill of items:

2 horses, at $125	$250
1 wagon, iron axle	100
3 head of beef cattle	90
15 pork hogs	75
75 bushels of corn	75
2,000 feet cedar lumber, cost	160
1 ton of hay	24
3,000 cedar rails	150
10,000 feet of plank fence, cedar posts	250
150 bushels of coal, at 60 cents	90
3 cords of wood, at $10	30
Total	1,294

The court, upon the evidence and after the consideration of briefs and after hearing the arguments of the respective counsel, makes the following

FINDING OF FACT.

During the war for the suppression of the rebellion the military forces of the United States by proper authority took for the use of the Army from claimant's decedent in Davidson County, State of Tennessee, the property described in the petition, the reasonable value of which at the time and place mentioned above was the sum of seven hundred and fifteen dollars ($715).

No payment appears to have been made for any part thereof.

By the Court.

Filed November 4, 1907.

A true copy:

Test this 16th day of December, 1907.

[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 387.

FINDINGS IN CASE OF WILLIAM M. MOSS, ADMINISTRATOR OF JOHN SMITH.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF WILLIAM M. MOSS, ADMINISTRATOR OF JOHN SMITH, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 19, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 16, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional No. 11193. Estate of John Smith *v.* The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that John Smith, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed April 9, 1906.

[Court of Claims. Congressional, No. 11193. William M. Moss, administrator of John Smith, deceased *v.* The United States.]

STATEMENT OF CASE.

This is a claim for stores and supplies alleged to have been taken by or furnished to the military forces of the United States during the late civil war.

On February 20, 1903, the Committee on War Claims of the House of Representatives referred to this court, under the provisions of the act of March 3, 1887, known as the Tucker Act, the following bill:

"[H. R. 11143, Fifty-seventh Congress, first session.]

"A BILL For the relief of John Smith.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay John Smith, of Jackson, Tennessee, out of any money in the Treasury not otherwise appropriated, the sum of three thousand four hundred and fifty dollars, being for stores and supplies alleged to have been furnished United States troops during the late war for the suppression of the rebellion."

The claimant appeared and filed his petition in this court January 13, 1904, in which he makes the following allegations:

That he is the administrator of the estate of John Smith, deceased, who resided in Madison County, State of Tennessee, during the late civil war; that at different times during the period of said war there was taken from his decedent by the United States military forces, by proper authority, for the use of the army, stores and supplies of the value of $3,450, as follows:

2,000 pounds manufactured tobacco, at 50 cents per pound	$1,000
Stock of goods, consisting of hats, shoes, clothing, groceries, provisions, etc., valued at	2,000
(Taken about June, 1863.)	
1 mare	200
1 mare	150
1 pony	100
Total	3,450

On April 9, 1906, on a preliminary hearing, the court found that John Smith, deceased, was loyal to the Government of the United States throughout the civil war.

The case was brought to a hearing on merits on February 5, 1907.

Watson E. Coleman, esq., appeared for the claimant, and the Attorney-General, by W. M. Ashford, his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

I. Claimant's decedent, John Smith, was loyal to the Government of the United States throughout the late war for the suppression of the rebellion.

II. During said period the military forces of the United States, by proper authority for the use of the army, took from claimant's decedent, in Madison County, Tenn., property of the kind and character above described, which at the time and place of taking was reasonably worth the sum of sixteen hundred dollars ($1,600), no part of which appears to have been paid.

III. The claim herein was never presented to any department of the government prior to its presentation to Congress and reference to this court by the House of Representatives, as hereinbefore mentioned, and no reason is given therefor.

BY THE COURT.

Filed April 22, 1907.
A true copy.
Test this 13th day of December, A. D. 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 388.

FINDINGS IN CASE OF JAMES M. HALL.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JAMES M. HALL AGAINST THE UNITED STATES.

DECEMBER 19, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 17, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 10955. James M. Hall v. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that James M. Hall, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed March 19, 1906.

[Court of Claims. Congressional case No. 10955. James M. Hall v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the House of Representatives on the 27th day of January, 1903.

On a preliminary inquiry the court, on the 19th day of March, 1906, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 18th day of January, 1907.

Watson E. Coleman, esq., appeared for claimant, and the Attorney-General, by W. W. Scott, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing at Mount Sterling, Ky.; that during the late civil war stores and supplies were taken by or furnished to the United States Army for their use at or near Mount Sterling, Ky., said stores and supplies belonging to Burroughs & Hall, and being valued at $3,027, as follows:

9 barrels of pure copper whisky, 378 gallons, at $4 per gallon	$1,512
4 barrels pure apple brandy, 168 gallons, at $5 per gallon	840
1 barrel Holland gin, imported, 43 gallons, at $5 per gallon	215
1 barrel ginger wine, 40 gallons, at $3 per gallon	120
6 barrels spirits, 85 gallons, at $4 per gallon	340
Total	3,027

Claimant further alleges that he is the surviving member of the firm of Burroughs & Hall, and that J. William Burroughs was the only other member of said firm; that the claim herein was presented to the War Department and by it rejected and disallowed.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDING OF FACT:

During the late civil war James M. Hall and J. W. Burroughs were the owners of the whisky and other liquors described in the petition at Mount Sterling, Ky. In the early part of 1865 the military forces of the United States seized and confiscated said whisky and liquors on the ground that the claimants were selling same to the enlisted men in violation of the order of the commandant of the troops then stationed at that place. The whisky and liquors were taken away in wagons by said military forces, but what use was made of them does not appear to the satisfaction of the court.

The reasonable value of the whisky and liquors so taken was at the time and place about fifteen hundred dollars ($1,500). The one-half thereof, or the interest of the said James M. Hall, whose claim was referred to the court, was seven hundred and fifty dollars ($750).

The claim of the said J. W. Burroughs has not been referred to the court, and for that reason his intervening petition is dismissed.

By the Court.

Filed February 25, 1907.

A true copy.

Test this 13th day of December, A. D. 1907.

[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 389.

FINDINGS IN CASE OF EDWARD W. EGGLESTON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ESTATE OF EDWARD W. EGGLESTON AGAINST THE UNITED STATES.

DECEMBER 19, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 17, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims Edward W. Eggleston v. The United States. Congressional, No. 4879.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Edward W. Eggleston, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed January 14, 1907.

[Court of Claims. Congressional case No. 4879. Edward W. Eggleston v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims, House of Representatives, on the 10th day of July, 1888.

On a preliminary inquiry the court, on the 14th day of January, 1907, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 30th day of January, 1907.

C. A. & F. W. Brandenburg, esqs., appeared for claimant, and the Attorney-General, by George M. Anderson, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States and during said war resided in Williamson County, State of Tennessee, and was the owner and possessor on his farm in said county and State of Tennessee of certain quartermaster stores and commissary supplies, which in the spring of 1863 were seized and appropriated to the use of the military forces of the United States then stationed and operating in said locality, according to the following bill of items:

4 mules, at $150 each	$600
1 horse	150
Total	750

The court, upon the evidence and after the consideration of briefs and after hearing the arguments of the respective counsel, makes the following

FINDING OF FACT.

There was taken from the claimant in Williamson County, State of Tennessee, during the war for the suppression of the rebellion, by the military forces of the United States, by proper authority, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of five hundred and ninety dollars ($590).

No payment appears to have been made therefor.

BY THE COURT.

Filed February 4, 1907.

A true copy.

Test this 16th day of December, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 390.

FINDINGS IN CASE OF MARY J. LANGLEY-NORRIS, ADMINISTRATRIX OF IGNATIUS J. LANGLEY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF MARY J. LANGLEY-NORRIS, ADMINISTRATRIX OF ESTATE OF IGNATIUS J. LANGLEY, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 19, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERKS OFFICE,
Washington, December 18, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Ignatius J. Langley v. The United States. Congressional, No. 9398.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Ignatius J. Langley, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed May 13, 1901.

[Court of Claims. Congressional case No. 9398. Mary J. Langley-Norris, administratrix of estate of Ignatius J. Langley, deceased, v. The United States.

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims, House of Representatives, on the 8th day of May, 1896.

On a preliminary inquiry the court, on the 13th day of May, 1901f found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 24th day of January, 1907.

William D. Henry, esq., appeared for claimant, and the Attorney-General, by Charles F. Kincheloe, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in her petition makes the following allegations:

That her decedent was a citizen of the United States, residing in St. Mary County, Md., during the late war for the suppression of the rebellion; that at different times during said period the United States military forces, by proper authority, took from him pasturage for 320 mules and horses for two weeks, at $3.50 per week each, on a farm called "Riverton," on Point Lookout, Md., amounting to the sum of $2,240.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

During the war for the suppression of the rebellion, the military forces of the United States, by proper authority, pastured on the farm of the claimant's decedent on Point Lookout, Md., horses and mules as set forth in the petition. Such pasturage was then and there reasonably worth the sum of ten hundred and fifty dollars ($1,050).

No payment appears to have been made therefor.

By the Court.

Filed February 18, 1907.

A true copy.

Test this 17th day of December, 1907.

[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 391.

LIST OF CONGRESSIONAL CASES DISMISSED BY COURT OF CLAIMS, ON MOTION OF DEFENDANTS JANUARY-MAY, 1907.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A LIST OF CONGRESSIONAL CASES DISMISSED ON MOTION OF THE DEFENDANTS.

DECEMBER 19, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 18, 1907.

SIR: Pursuant to the order of the court of December 13, 1907, I transmit herewith a list of Congressional cases dismissed on motion of the defendants on the dates set opposite their respective names.

Very respectfully,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

List of Congressional cases dismissed on defendants' motion on the dates set opposite their respective names.

No.	Name.	Date.
565	Alfred S. Green	Feb. 4, 1907
4743	Mary E. Sopher	Apr. 8, 1907
5102	Julia Hollingshead	Mar. 18, 1907
10970	Albert Lewis	Jan. 7, 1907
11252	T. L. Andrews	May 6, 1907
11375	Samuel Edmonson	May 13, 1907

By THE COURT.

A true copy:

Test this 17th day of December, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 392.

LIST OF CONGRESSIONAL CASES DISCONTINUED BY COURT OF CLAIMS ON CLAIMANT'S MOTION, DECEMBER, 1906–OCTOBER, 1907.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A LIST OF CONGRESSIONAL CASES DISCONTINUED ON CLAIMANT'S MOTION.

DECEMBER 19, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 18, 1907.

SIR: Pursuant to the order of the court of December 13, 1907, I transmit herewith a list of Congressional cases discontinued on claimant's motion, which discontinuance is herewith certified upon motion of defendants.

Very respectfully,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

List of Congressional cases discontinued on claimant's motion, on the dates set opposite their respective names.

No.	Name.	Date.
10771	Dennis Pride	Oct. 28, 1907
12169— 26	John C. Campbell	Dec. 24, 1906
12169— 28	Welford E. Cacler	Jan. 28, 1907
12169— 30	Pleasant A. Cashon	Dec. 3, 1906
12169— 42	Jas. F. Douahoo	Feb. 4, 1907
12169— 47	Elizabeth Barnes	Jan. 28, 1907
12169— 56	Elizabeth Goodin	Dec. 24, 1906
12169— 67	Minerva A. Hammer	Feb. 4, 1907
12169— 72	Jas. N. Haskins	Jan. 28, 1907
12169— 79	Stephen N. Hinsman	Jan. 21, 1907
12169—120	Miles M. Meadows	Sept. 17, 1907
12169—138	Edwin W. Payne	Apr. 1, 1907
12169—142	Noah H. Pratt	Jan. 21, 1907
12169—161	Alonzo P. Stevens	Oct. 28, 1907

BY THE COURT.

A true copy.
Test this 17th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 393.

LIST OF CONGRESSIONAL CASES DISMISSED ON LOYALTY BY COURT OF CLAIMS, DECEMBER, 1906–NOVEMBER, 1907.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A LIST OF CONGRESSIONAL CASES DISMISSED ON LOYALTY.

DECEMBER 19, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 18, 1907.

SIR: Pursuant to the order of the court of December 13, 1907, I transmit herewith a list of Congressional cases dismissed on loyalty on the dates set opposite their respective names on motion of the defendants.

Very respectfully,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

List of Congressional cases dismissed on loyalty on the dates set opposite their respective names.

No.	Name.	Date.
555	William Witherspoon	Dec. 24, 1906
3545	Asa B. Daniel	Nov. 4, 1907
3550	Robert W. Davis	Dec. 24, 1906
4567	Henry J. Harter	Feb. 4, 1907
4596	James Horton	Jan. 28, 1907
5167	William Preacher	Do.
5169	William M. Dowling	Do.
5173	Ridgon Peeles	Do.
5355	John W. Koen	Feb. 25, 1907
7429	James G. Ford	Jan. 7, 1907
7433	Jas. W. Wilkinson	Dec. 24, 1906
8763	Montgomer P. Asher	Nov. 11, 1907
9260	Sylvanus Sanford	Do.
9989	Anna M. Coleman	Dec. 17, 1906
10144	Jacob Crusen	Feb. 11, 1907
10573	Archibald W. Overton	Nov. 11, 1907
11313	Richard P. Perkins	Mar. 11, 1907
12671	William H. Parham	Nov. 4, 1907

BY THE COURT.

A true copy.
Test this 17th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 394.

LIST OF CONGRESSIONAL CASES DISMISSED BY COURT OF CLAIMS FOR NONPROSECUTION MAY 13, 1907.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A LIST OF CONGRESSIONAL CASES DISMISSED ON MOTION OF DEFENDANTS MAY 13, 1907.

DECEMBER 19, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 18, 1907.

SIR: Pursuant to the order of the court of December 14, 1907, I transmit herewith a list of Congressional cases dismissed on motion of the defendants May 13, 1907, for nonprosecution.

Very respectfully,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 184. Joseph L. Glover v. The United States.]

MOTION TO CERTIFY.

Comes now the United States, by the Attorney-General, and moves the court to certify, as provided by law, the above-entitled case, and all other cases appearing upon the attached list, to the House of Congress from which they were originally referred to this court, the same having been dismissed for want of prosecution.

JOHN Q. THOMPSON,
Acting Assistant Attorney-General.

Congressional cases dismissed for want of prosecution May 13, 1907.

No.	Name.
184	Joseph L. Glover.
187	George U. Houghton.
209	Alexander Askew.
435	J. Madison Wells.
520	Mary Smith.
553	A. S. Rogers.
601	James M. Green.
621	J. Harleston Read.
640	George W. Howell.
665	Mary A. Vernon.
747	Mary E. Selser and John E. Selser.
755	A. H. Alfrey.
820	Henry Williams.
827	Martha A. Gibbs.
855	Mary J. Littlepage.
894	Gilliam Jackson.
913	Jefferson Dunklin.
984	John N. Barnett.
993	Thomas O. Henley.
1003	William McFarlan.
1160	James C. Cain.
1170	Elizabeth Fenn.
1178	David Dodd.
1280	John J. Henshaw.
1429	John B. Edwards.
1574	Leroy Cox.
1585	Solomon Block.
1614	Thomas O. Sittington.
1695	Howell Taylor.
1702	William Young.
1703	Louise Merriwether.
1729	Parilee Pile.
1751	James H. French.
1773	Oscar E. Harris.
1782	William A. Mathers.
1784	Robert S. Lacey.
1787	Jennie R. Hassler.
1793	Wm. L. Whitfield.
1811	John S. Gentle.
1815	R. D. Goodwyn.
1852	Franklin Whaley.
1963	Estella Chidester.
2002	C. H. Witt.
2013	John H. Wolley.
2034	J. F. Peck.
2085	G. W. Herd.
2086	John Patton.
2087	T. B. Pool.
2088	F. W. Pickering.
2089	A. Wood.
2090	Wiley Baker.
2091	A. J. Drennan.
2134	Charles R. Allen.
2135	P. B. Allensworth.
2136	Charles H. Allen.
2139	John Baynes.
2140	Jas. H. Gregory.
2151	Susannah Hardy.
2161	Mary Chamberlain.
2162	Thomas Johnson.
2164	George E. Cox.
2176	George W. Anderson.
2223	Mary J. Barrow.
2229	W. P. Van Arsdale.
2232	William George.
2233	Daniel K. Horn.
2235	J. W. Hutchinson.
2236	Howard T. Jennings.
2237	D. T. Kemp.
2238	C. R. McDowell.
2240	Joseph Miller.
2241	Sarah J. Myers.
2242	James H. Meek.
2243	William Nichols.
2244	R. G. Pierce.
2245	John T. Porter.
2246	William Rucker.
2247	John G. Snow.
2248	John D. Smith.
2249	Edward Spencer.
2250	John H. Swift.
[illegible]	James R. Sechrest.
[illegible]	Nelson Wilson.
2253	Josiah Hatcher.
2254	A. L. Hawkins.
2255	James Breeding.
2256	E. A. Edmunds.
2259	J. C. Goff.
2260	Gariand Ford.
2262	John Bantin.
2263	Charles B. Edmunds.
2264	Asa Y. Ellis.
2265	E. G. Evans.
2266	Mary J. Everett.
2267	Nancy W. Ferris.
2268	Joseph Browning.
2269	Josiah W. Bland.
2270	John McCrocklin.
2271	M. F. Grady.
2272	John Bishop.
2273	W. B. Farris.
2274	E. B. Crain.
2275	James E. Browning.
2278	Jesse A. Curd.
2279	Beverly D. Curd.
2282	Larkin Fain.
2283	Eliza C. Snoddy.
2284	Harriet L. Wooten.
2287	W. J. Gray.
2288	John G. Will.
2289	L. D. Gresham.
2290	John V. Dean.
2291	Jeremiah S. Dean.
2292	Stephen Deweese.
2293	Isaac B. Conrad.
2294	Jones Barlow.
2295	Drewry Allen.
2296	William H. Asher.
2297	James Armstrong.
2298	Benedict M. Swope.
2299	Margaret Van Meter.
2300	Elijah I. Wickware.
2301	James Wood.
2303	Estate of John Wilson.
2304	J. E. Whitney.
2305	Estate of B. D. Yarbrough.
2306	J. N. Moore.
2308	Henry U. Lowery.
2309	S. L. Leech.
2311	Meredith Kimbrough.
2312	James E. Kevil.
2313	George S. Jones.
2314	W. L. Kimbrough.
2316	S. R. Harley.
2319	W. C. Howard.
2320	Groves Howard.
2321	David Hopper.
2322	William Barnett.
2323	M. T. Branner.
2324	James Baugh.
2325	William Brazelton.
2326	Payton A. Cooke.
2327	S. H. Clark.
2328	S. B. Hunter.
2329	Eliza Hunter.
2330	John C. Hamilton.
2331	William Hoye.
2332	Archibald C. Hays.
2333	Jacob Hubbard.
2334	D. K. Haycroft.
2335	Wm. A. Glenn.
2336	Estate of Amanda Goggin.
2337	William Gosson.
2338	Geo. W. Gray.
2339	John Glenn.
2340	F. M. Glenn.
2342	R. E. Finch.
2343	Martin Ford.
2344	L. S. Forline.
2345	F. M. French.
2346	John B. Bland.
2347	James T. Brown.
2349	Daniel Watson.
2351	W. F. Quissenbury.
2353	Robert Payne.
2354	Thomas J. Peck.

Congressional cases dismissed for want of prosecution May 13, 1907—Continued.

No.	Name.	No.	Name.
2355	Rawson Plunkett.	2501	Peter Baker.
2356	W. A. Pettit.	2502	Henry C. Bybee.
2357	James Penny.	2503	Peter Burnell.
2358	Estate of Maria L. Proctor.	2504	W. T. Bush.
2359	Lydia Peck.	2505	Samuel Bryant.
2360	Benj. O'Neal.	2506	R. F. Beattie.
2361	Noah Nance.	2507	W. J. Burd.
2362	D. B. Taylor.	2508	William Buchanan.
2364	Wilson Tier.	2509	James P. Burton.
2365	George W. Saunders.	2510	Fountain C. Burton.
2366	David Story.	2511	E. M. Button.
2367	Moses Swago.	2512	Estate of Green Botton.
2369	Frank M. Smith.	2516	Hezekiah Bowen.
2370	Estate of John Slaughter.	2518	Parks D. Britton.
2371	L. M. Mitchell.	2519	Yelverton Cowherd.
2372	W. C. Martin.	2524	J. Madison Wells.
2373	Isaac M. McBee.	2569	Winnie Williams.
2375	Mary A. McFarland.	2600	Benj. B. Allen.
2376	James McClure.	2601	Edward Alcorn.
2377	David Nevin.	2602	Acton Achterman.
2379	Mansfield Samuels.	2603	Frederick Andress.
2380	Sanders & McElvain.	2604	Jerry Adams.
2381	Enos Ray and John W. Ray.	2605	C. W. Adams.
2382	John Remington.	2606	John Baughman.
2384	J. G. Robinson.	2607	Benj. F. Bryant.
2385	Radley & Showers.	2608	W. H. Berry.
2387	James Crowders.	2609	Nancy Babbitt.
2390	Creed C. Chitwood.	2610	Felix Bruce.
2391	J. B. Covington.	2611	John Barnhill.
2392	P. Conway.	2612	Anderson Crenshaw.
2393	B. F. Cantrell.	2613	Lewis Carter.
2394	W. H. Crow.	2615	Joseph Craft.
2395	Lewis Carter.	2616	Bennett Cloyd.
2396	William Cochran.	2617	Charles Clark.
2397	James G. Adams.	2618	Edward Cram.
2398	Jefferson C. Asher.	2619	John Crutcher.
2400	William F. Dodd.	2621	Evelin R. Crowherd.
2401	Delaware Dawley.	2622	Henry Cissell.
2402	G. W. Denning.	2623	William H. Cain.
2403	James T. Ewing.	2624	W. H. Conner.
2404	John H. Ewing.	2625	Juliet Cotton.
2405	Philip Edmonson.	2626	James Cohline.
2406	Martin Edwards.	2627	Parkham Calloway.
2407	J. M. Edmunds.	2628	Squire M. Clark.
2408	Estate of James Evans.	2630	Mathew M. Clark.
2409	Jesse Elmore.	2631	Samuel L. Campbell.
2411	W. E. Forsyth.	2632	E. H. Cushman.
2412	William Fitzpatrick.	2633	S. L. Cox.
2414	J. A. Fletcher.	2634	William Campbell.
2448	W. J. Saling.	2635	Walter Clemens.
2457	Nancy J. Beard.	2636	Aaron Clements.
2458	Benedict J. Adams.	2637	Julia A. Cannon.
2459	Patton Alexander.	2638	Joshua W. Collins.
2460	John Anderson.	2639	Patience D. Chapman.
2461	William Albert.	2640	Elizabeth Craddock.
2463	George W. Abell.	2641	Fountain F. Cundiff.
2466	Thompson M. Arnold.	2642	George E. Cooper.
2468	Daniel B. Adams.	2643	John L. Dawson.
2469	David W. Allen.	2644	James F. Dawson.
2470	John D. Alexander.	2645	Amos Davis.
2471	William Barnhull.	2646	T. H. Davies.
2474	Margaret O. Board.	2647	Walter Denny.
2475	Henry Bland.	2648	Daniel Britton.
2477	Warren C. Bethel.	2649	Thomas J. Drury.
2478	Edon Brashier.	2650	Jane H. Davis.
2481	John Bewley.	2651	Elizabeth Demaree.
2482	Marvel N. Bewley.	2653	J. W. Denton.
2483	Enoch Berry.	2654	A. C. Davidson.
2484	William R. Buckett.	2655	William L. Dodson.
2485	Edward Beeren.	2656	J. E. Durham.
2487	James M. Brown.	2657	William Denham.
2490	W. H. Bemis.	2658	Sanford E. Durham.
2491	Frank Bealman.	2660	William W. Davis.
2492	John Bayne.	2661	Thomas Dillon.
2493	Nancy Berry.	2662	James Davis.
2494	Daniel E. Buckman.	2663	Cooper Dunn.
2495	Samuel Burch.	2664	T. J. Dillehay.
2496	Mary Barron.	2665	Elisha T. Drane.
2497	C. B. Baker.	2666	Charles Deivel.
2498	John Bidwell.	2667	Hillory Dawson.
2499	William A. Bohannon.	2668	R. R. English.
2500	J. A. Barr.	2669	John English.

Congressional cases dismissed for want of prosecution May 13, 1907—Continued.

No.	Name.	No.	Name.
2671	William W. Elliott.	2799	John A. Hardesty.
2672	J. J. Elliott.	2800	William and Theodore B. Hardman.
2674	Isaac H. Edwards.	2801	Isaac J. Hahn.
2675	Abner D. Ezell.	2803	Benjamin Hamilton.
2676	William W. English.	2804	Matilda Ingram.
2677	James B. Fugitt.	2805	John W. Isham.
2678	W. D. Fuller.	2806	David A. Jessie.
2680	W. W. Foster.	2807	George Johnson.
2682	G. W. Forrest.	2808	Alfred Jenkins.
2683	James R. Floyd.	2809	Isaiah James.
2684	Henry P. Floyd.	2810	W. F. Jones.
2686	John Fenton.	2811	Thomas F. Jenkins.
2687	James W. Foucher.	2812	Edward M. Johnson.
2688	Henry S. Fowler.	2813	James F. Jones.
2691	L. Green.	2815	William Jennings.
2692	Thomas D. Geoghegan.	2816	J. J. Johnson.
2693	W. L. Gist.	2817	William Jolby.
2695	George Givens.	2818	James Jasper.
2696	Joseph Givens.	2819	R. L. Jolby.
2697	Peter R. Givens.	2820	Robert F. Jameson.
2698	Harriett Gossett.	2821	N. T. Johnson.
2700	R. E. Garvin.	2822	Mary Jones.
2701	Bust W. Griffin.	2823	Moses Kinglesmith.
2702	Elias Gaddis.	2824	Marshall Key.
2703	Samuel Gover.	2825	Jiles Kelly.
2704	E. R. Garvin.	2826	Simon T. King.
2705	John W. Goff.	2827	Mrs. E. B. Kenner.
2706	Samuel B. Gossett.	2828	William A. Kibby.
2707	James J. Green.	2829	R. T. D. Kelly.
2708	Patrick Gillespie.	2830	Oliver Kirtley.
2710	George Firsghenk.	2831	James M. Kelly.
2711	Thomas J. Firth.	2832	Jacob Klotter.
2713	John Griffin.	2833	Herman Korfhage.
2714	Marcus H. Garnett.	2834	George W. King.
2715	Montrose Graham.	2835	John Kincaid.
2716	Scott Gray.	2836	Clementine Kinclaid.
2720	John R. Gathright.	2837	Calvin Kuykendale.
2721	James Guthrie.	2838	James Kendall.
2727	Alfred G. Person.	2840	Robert Kennedy.
2744	T. J. Allmitt.	2841	John S. Lawder.
2746	Sarah J. Bishard.	2842	Jennie Logen.
2748	William Duke.	2843	Andrew Lynn.
2749	William A. Easton.	2844	A. D. Lackey.
2750	George W. Fisher.	2846	D. M. Lyon.
2751	Susan A. French.	2847	William A. Lee.
2752	J. B. Fisher.	2848	John H. Lewis.
2753	L. A. Foote.	2851	John A. Leveridge.
2754	T. J. Hiatt.	2852	John C. Love.
2755	Noah Hundley.	2853	John B. Lester.
2757	John Holland.	2854	Estate of John W. La Rue.
2759	Alexander Hopkins.	2855	Jesse V. La Rue.
2760	John N. Huguely.	2856	Crawford Lyons.
2761	Mary Heope.	2858	John C. Lawson.
2762	George Hustin.	2859	Sarah Mars.
2763	George Hite.	2861	J. M. McClelland.
2766	James M. Hamilton.	2862	John W. Martin.
2768	Lewis Hayden.	2863	Abel McDaniel.
2769	James W. Hall.	2865	Samuel J. Moore.
2770	Alexander Hodges.	2866	George N. Mitchell.
2771	Thomas Hamilton.	2867	John Mershom.
2772	Estate of Govey Hood.	2868	Henry T. Montford.
2773	Pius A. Hager.	2869	Adam Middleton.
2774	Aaron Harris.	2870	John Moss.
2775	D. N. Hunter.	2871	Zachariah C. Merritt.
2776	R. P. Hendricks.	2873	J. H. Maddox.
2777	James H. Hunter.	2874	Edwin Moore.
2778	Robert Holbrook.	2875	Daniel Meece.
2781	Rebecca Herndon.	2876	Harriet F. Murrell.
2782	E. D. Holder.	2877	Barney C. McKinney.
2783	Kissiah Hughes.	2879	Samuel O. McMakin.
2785	Benjamin D. Hudson.	2880	Charles C. Morris.
2786	Calvin Hughes.	2881	J. R. Maddox.
2787	Spencer Hudson.	2882	James Merry.
2788	B. F. Hauk.	2883	J. B. Marshall.
2789	Charles Hart.	2884	C. A. Milligan.
2790	Rachel Hudson.	2885	Eliza A. Massie.
2791	James Hazelwood.	2886	George W. Means.
2792	Swann Hutcherson.	2888	S. J. Mitchell.
2793	Robert Hindman.	2889	J. H. McCain.
2795	Jesse Harlow.	2890	Thomas M. Miller.
2796	William M. Hicks.	2891	Fielding Merrifield.
2798	Augustus L. Hayden	2892	J. Toll Miller.

Congressional cases dismissed for want of prosecution May 13, 1907—Continued.

No.	Name.	No.	Name.
2893	Jabez S. McCay.	2995	Almy M. Stumm.
2894	David G. Miller.	2996	William C. Simmons.
2896	Cyrus D. Miller.	2997	J. P. Stateler.
2897	Jeff McGinniss.	2998	T. M. Sinclair.
2898	William McCarley.	3000	David Smith.
2900	Albert Morgan.	3003	Matthias J. Sphers.
2901	Mrs. E. V. McGlosson.	3007	Ogden W. Stiles.
2902	Henry B. Moore.	3010	Jesse L. Shacklett.
2904	Ferdinand H. McGehee.	3011	Robert Sims.
2906	Beverly Mann.	3012	Samuel Stith.
2907	William M. Nolan.	3013	Jessie J. Stith.
2908	Miles W. Nickles.	3014	Samuel Stith.
2909	Jordan Neal.	3015	N. A. Smith.
2910	Samuel H. Neal.	3019	Milton Stith.
2911	Bryant Y. Neal.	3020	Munson G. Stith.
2912	R. W. Hewitt.	3021	W. H. Scrivener.
2913	John Newman.	3025	Lytle P. Schooler.
2914	Howard Newman.	3028	H. M. Saller.
2915	B. W. Nicholls.	3029	Elijah H. Smith.
2916	Lewis H. Nall.	3030	Samuel Shannon.
2918	Andrew J. Nall.	3031	Isaac Smith.
2919	George W. Neafuss.	3032	Richard Survant.
2920	Thomas H. Ritchie.	3033	Lucy A. Scott.
2921	Joseph M. Owens.	3034	George Sogesser.
2924	John Owens.	3035	Milton G. Sewall.
2925	John Owens.	3036	Silas Shepherd.
2926	John M. Owens	3037	George W. Smith.
2930	Theodore O'Brien.	3038	Benjamin W. Sloan.
2932	John Osborn.	3039	Coleman Stigell.
2933	William Hogden.	3041	Samuel Smith.
2934	Allen Ouran.	3042	John Stocksdell.
2935	W. D. Owen.	3043	John G. Smith.
2936	Thomas J. Owen.	3044	Perryman M. Smith.
2937	Franklin Overstreet.	3045	Lucy S. Stark.
2938	William F. Patterson.	3046	William Simmons.
2939	Underwood R. Payne.	3048	Pinkney Spraggins.
2940	Jesse Peters.	3049	George W. Sweeny.
2941	S. M. Pipes.	3051	Lee Tharp.
2942	Thomas C. Prewett.	3052	N. B. Thomas.
2943	Jesse S. Pedigo.	3055	John W. Tharpy.
2944	Antoynette Payce.	3056	John M. Taylor.
2945	J. W. Pace.	3057	James M. Trent.
2946	James A. Powell.	3058	William Tatum.
2947	Jefferson H. Poynter.	3062	Nathaniel G. Thomas.
2948	Frederick W. Prather.	3064	E. P. Tuley.
2949	Reuben Porter.	3065	James Thurman.
2950	William Pollard.	3066	Jacob Tarter.
2955	B. U. Patterson.	3068	J. H. Todd.
2956	John R. Perry.	3069	Estate of George W. Thompkins.
2957	Nancy Pendleton alias Nancy Pennington.	3070	Ann S. Tradlock.
2958	William Patterson.	3075	James Vincent.
2959	T. W. Patton.	3076	Lucinda Vanhook.
2960	Benjamin Piles.	3077	Thomas Vowels.
2961	Rodman Prewett.	3078	John W. Vance.
2962	Edward Pinkston.	3079	Samuel M. Vititon.
2963	Alonzo Park.	3080	David Watts, jr.
2964	Henry K. Pusey.	3081	David Watts, sr.
2966	Hiram Roberts.	3083	Nathan Warren.
2968	John F. Russell.	3084	Daniel M. Williams.
2969	Silas Radford.	3085	W. E. Waller.
2970	Robert Richardson.	3086	William F. Warren.
2971	J. L. Reynolds.	3087	William Wells.
2974	Joseph Robinson.	3088	Andrew Walters.
2975	George L. Rogers.	3092	John G. Wade.
2976	William Robinson.	3093	Thomas Welsh.
2977	Elizabeth Rawlings.	3094	Garland Williams.
2978	J. K. Rosson.	3095	Sarah Wells.
2979	Enoch B. Reiser.	3096	Braddock Withers.
2980	Jacob Robey.	3098	James Wilson.
2981	Isaac Rickett.	3099	S. H. Webster.
2982	Thomas J. Robinson.	3101	J. G. Webb.
2983	Peter Ryan.	3102	Catherine E. Washington.
2984	John E. Robertson.	3103	Richard Walthen.
2985	James Richardson.	3105	Thomas Wooldridge.
2986	George W. Riddle.	3108	Martha A. Walker.
2987	Heirs of Paschal Rouse.	3112	Thomas Yates.
2988	William F. Rees.	3113	Charles W. Yager.
2989	Paschal Rucker.	3114	James Yowell.
2990	Harrison Roberts.	3115	Jackson Young.
2991	Butler Stonestreet.	3117	William Young.
2992	J. W. Schoeffer.	3119	Matilda Yocum.
2993	Christian Scobee.	3127	V. B. Walker.
2994	Stephen Scobee.	3132	J. A. J. Perry.

Congressional cases dismissed for want of prosecution May 13, 1907—Continued.

No.	Name.
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Congressional cases dismissed for want of prosecution May 13, 1907—Continued.

No.	Name.	No.	Name.
6111	Estate of George S. Ball.	6229	H. B. Jones.
6112	Elizabeth P. Boker.	6230	Mary Jones.
6113	John W. Baker.	6231	Jeremiah Jaggers.
6114	B. S. Bevier.	6232	Henry Johnson.
6115	William Bell.	6233	R. B. Hampton.
6118	J. W. Denton.	6234	Jane Hendrick.
6120	Logan M. Dishman.	6235	Eliza A. Hudspidth.
6121	Mary L. Gott and Edward Adams.	6236	Leroy Hughlett.
6122	George W. Hoy.	6237	Walker E. Hardin.
6124	Mary Leissing.	6238	J. H. Hooser.
6127	G. W. Woorley.	6239	W. J. Huffhiner.
6128	Joseph Woorley.	6240	Margaret A. Hart.
6129	Charles Wright.	6243	Ezekial Holly.
6131	Estate of Marcus A. Wakefield.	6244	Addie Hott.
6132	Mrs. E. M. Washington.	6245	Levi Hewith.
6133	William Watts.	6246	William Hayden.
6135	Joseph Wells.	6247	A. W. Garrison.
6136	William Yates.	6248	E. L. Gaines.
6137	Francis M. Taylor.	6249	A. P. Greham.
6138	John Tewmey.	6250	Stanton W. Garr.
6139	Marion Thurmond.	6251	John Graham.
6140	P. H. Thurston.	6252	James Gill.
6141	Francis M. Steiger.	6253	C. Glass.
6142	George C. Spears.	6254	J. L. Griders.
6143	George Sandifer.	6255	L. P. Foegy.
6144	A. S. Walker.	6256	Abraham N. Fleenor.
6145	Levi Smith.	6257	Clement Fisher.
6146	E. S. Stuart & Co.	6258	J. G. Franklin.
6147	John H. Sears.	6259	Estate of E. D. Lonville.
6148	Daniel Stovall.	6261	J. B. Estes.
6149	Joel Stovall.	6263	C. T. & T. R. Eubanks.
6150	Estate of William P. Warren.	6264	James Elkin.
6151	Robert V. Vaughn.	6265	A. T. Dondy.
6154	W. S. Souther.	6266	H. Dycus.
6155	B. E. Warder.	6267	David M. Dunning.
6156	Eliza Schooling.	6268	Dathen Darley.
6157	Edwin T. Roberts.	6270	Samuel T. Davis.
6158	T. T. Roup.	6271	James F. Dickinson.
6159	J. M. Oller.	6273	Mary Chonning.
6160	James Oller.	6274	Owen Clark.
6162	John Riley.	6275	S. P. Chesnut.
6163	Samuel M. Ross.	6276	Oliver C. Carson.
6164	W. J. Pace.	6277	James E. Chapman.
6165	Ellsworth Owsley.	6278	Eliza M. Clark.
6166	G. M. Morris.	6279	Estate of B. Covington.
6169	Thomas K. Letcher.	6280	E. D. Covington.
6170	Moses M. Lyles.	6281	Edney Cox.
6173	L. W. Kinchloe.	6282	C. N. Clarke.
6174	Elihu Jett.	6283	Thomas A. Compton.
6176	Nathaniel Harris.	6285	Aaron C. Cardill.
6177	N. C. Hamblin.	6286	Bennett Cardill.
6178	Peter D. Hammond.	6288	C. B. Blewett.
6179	Estate of John Hay.	6289	Estate of Eli Briant.
6180	J. S. Hall.	6291	Joseph Woolsey.
6181	Nancy B. Herdman.	6292	Sarah Woolsey.
6182	Bradford Howell.	6293	G. A. Withers.
6185	Robert W. Gray.	6294	E. B. West.
6186	Reuben Gentry.	6295	James H. Tomes.
6188	James F. Going.	6296	Gilas R. Tomes.
6189	Estate of Samuel Grinter.	6297	Joseph W. Spencer.
6190	G. W. Gillum.	6299	E. B. Pace.
6191	John M. Elmore.	6302	Stanford Mitchell.
6192	James F. Edwards.	6303	Wilburn Mitchell.
6193	A. G. Tompkins.	6304	Lewis C. May.
6194	Sallie A. Dunn.	6305	Estate of Nancy Miller.
6196	Martha E. Dycus.	6306	Warren R. Moore.
6198	Jacob Duval.	6307	John Meek.
6199	Samuel B. Brown.	6308	James Lewis.
6200	Wiley Y. Brown.	6309	W. H. Lyon.
6204	W. L. Anthony.	6310	Ambrose Kirtty.
6206	James W. Withers.	6312	Magdalen Key Kendell.
6208	James H. Tucker.	6313	W. C. Johns.
6212	George W. Parks.	6314	J. H. Millikin.
6213	Merida Price.	6315	James H. Miller.
6216	Estate of George W. Moore.	6316	J. B. Moore.
6219	Loretto L. & B. Institution.	6318	W. B. McCormick.
6220	Mary A. Holmead.	6319	W. H. Miunus.
6221	James Hayden.	6320	Maria Moore.
6222	James Fowler.	6321	Joseph McDonald.
6225	N. D. Ingram.	6322	D. R. Merritt.
6226	J. J. Kerby.	6323	William McCarley.
6227	James Keel.	6325	William D. Martin.
6228	George W. Jewett.	6326	Henry McCall.

Congressional cases dismissed for want of prosecution May 13, 1907—Continued.

No.	Name.	No.	Name.
6328	Anna O. Layne.	6444	John W. Burke.
6330	Estate of William Luchett.	6446	Sarah Bingham.
6331	Estate of William Lord.	6447	Cuthbert A. Berry.
6333	William Lite.	6449	G. W. Adamson.
6337	Elijah H. Green.	6450	Absolom Ayler.
6338	Sarah Edwards.	6451	David Anderson.
6339	W. E. Ellington.	6452	Alfred Arron Smith.
6340	Elvira Duke.	6453	William S. Johnson.
6341	R. A. Crump.	6454	John Jones.
6342	Winslow Carter.	6455	P. G. Jones.
6343	Mary F. Curd.	6457	George W. Lipp.
6344	J. B. Alexander.	6459	John Lowery.
6345	J. W. Bailey.	6460	A. J. Lamb.
6348	John Stuart.	6461	Jesse J. Lee.
6350	Eliz. Porter.	6462	Lovereign Larkins.
6351	Jacob M. Miller.	6463	John R. Lancaster.
6357	W. J. Jennings.	6464	Newton M. Love.
6358	Nathan Joiner.	6466	J. W. McCandless.
6359	Richard Knight.	6468	Estate of Mary McDaniel.
6360	P. A. Wimms.	6469	Joseph Miller.
6361	Thomas Williams.	6470	Thomas Myloe.
6362	Isaac Wolf.	6471	Ebenezer Moore.
6364	E. B. Wood.	6473	F. C. Myers.
6365	T. J. Wilson.	6475	James P. Mansfield.
6366	B. B. White.	6476	W. H. McClure.
6368	Benjamin E. Williams.	6477	William T. Nichols.
6369	Vincent Wickware.	6478	Hayden Northcutt.
6371	W. A. Williams.	6479	Estate of D. W. Owens.
6372	William Wallace.	6480	W. E. Powell.
6374	Benjamin E. Thacker.	6481	Richard Price.
6375	William Tankerly.	6482	Abraham Quick.
6378	R. L. Smith.	6483	G. M. Robertson.
6379	C. W. Smith.	6484	Whitville Ryle.
6380	Julia E. Swearinger.	6485	Noah M. Rice.
6381	D. G. Stark.	6486	John J. Ryle.
6382	County Sumner, State of Tennessee.	6487	James T. Ryle.
6384	Brice Shepherd.	6488	William P. Ryle.
6388	Oliver P. Stone.	6490	William Stewart.
6389	Marcus L. Simpson.	6491	Harrison Stewart.
6390	W. L. Smith.	6492	Robert L. Skirwin.
6392	Moses Singleton.	6494	Archer Smith.
6393	William Stephens.	6495	Whitson Sanders.
6394	Estate of Ed. B. Smith.	6496	R. F. Seehrest.
6395	John Shader.	6497	B. F. Seehrest.
6396	Edwin Reavis.	6498	Jesse Stevens.
6399	Eliza Jane Richard.	6499	R. L. Sheekeld.
6400	Samuel N. Robinson.	6500	Walter A. Trout.
6402	T. L. S. Proctor.	6502	Isaac Trout.
6403	William Pare.	6503	Charles Single.
6404	J. H. Pearson.	6504	Milton Taylor.
6405	Thomas E. Puckett.	6505	C. A. Tart.
6406	Uriah Ferrington.	6506	Thomas Vinson.
6407	N. L. Poynter.	6508	William Vallandingham.
6409	Joseph A. Norwood.	6509	John B. Wilson.
6410	John P. McClure.	6510	Martha A. Wilson.
6414	Wilber T. Mobley.	6511	William A. Wilson.
6415	Thomas Jones.	6513	Alfred Williamson.
6416	Joseph P. Johnston.	6514	Benjamin B. Wyatt.
6417	Peter Holt.	6535	Francis M. Lawrence.
6420	H. Hall.	6548	Samuel Goodwin.
6421	Samuel K. Green.	6549	W. Carlisle.
6422	Overton T. Gardner.	6550	Pius Boothe.
6423	James Turnish.	6552	William W. Edwards.
6424	Elizabeth Falkner.	6553	Scott Noel.
6425	Fulton Ewing.	6555	Elizabeth Landolt.
6426	John N. Doir, sr.	6556	Daniel Ringo.
6427	Samuel Driskell.	6557	Joseph McDoner.
6428	B. F. Davis.	6558	Joseph Spencer.
6429	Robert Dunkerson.	6559	James S. Stull.
6430	Cave Clore.	6560	S. W. D. Stone.
6431	C. M. R. Cox.	6561	Harvey Slaughter.
6433	J. B. Crider.	6562	Anthony McElroy.
6434	Jeremiah Colbert.	6564	William D. Wood.
6435	Martha Colbert.	6565	John Keith.
6436	Hiram P. Close.	6566	Silas Jourdan.
6437	H. C. Castleman.	6649	F. W. Waughn.
6438	Thomas J. Brown.	6663	L. D. Agnew.
6439	Martha A. Bemis.	6766	Amanda C. Roan.
6440	G. W. Blackburn.	6794	Mary Wellmaker.
6441	J. M. Branch.	6845	Larkin Wilcher.
6442	W. H. Brett.	6876	John G. Grant.
6443	Francis Baldwin.	6884	Julia C. Watson.

Congressional cases dismissed for want of prosecution May 13, 1907—Continued.

No.	Name.	No.	Name.
6885	Robert C. Hamer.	8160	Peter D. Martin.
6897	Jarvis N. Williams.	8161	Richard Metcalf.
6899	Joseph D. Hayes.	8162	Thomas Jones.
6904	H. Hardesty.	8167	Malissa W. Hawkins.
6952	Jackson J. Cordell.	8187	Glenn S. Williams.
6994	Marianna Stephenson.	8205	John S. Carroll.
7083	Samuel Green.	8207	Mary C. Aymett.
7109	James H. Livingston.	8213	James Rollins.
7150	John A. Rawlins.	8214	Henry D. Posey.
7159	James T. Hawkins.	8244	Richard Eastman.
7165	Sarah Kimball.	8249	Benjamin F. Keyser.
7184	Richard Vaughn.	8251	William B. Lynch.
7185	Henry B. Helm.	8255	Benjamin Yeager.
7186	James Crouch.	8256	Estate of C. B. Bunn.
7187	John C. Taylor.	8271	Carrick W. Park.
7188	B. C. King.	8276	A. C. Robinson.
7189	Estate of James L. Martin.	8277	David N. Williams.
7190	John B. Martin.	8278	Larkin H. Penny.
7268	Francis Ford.	8279	William A. Downtown.
7399	Joseph Groff.	8280	Elisha N. Warfield.
7502	Nuttles Murphy.	8281	B. J. Grabbs.
7506	Charles L. Bonner.	8282	W. L. Hobby.
7548	William Harrison.	8296	B. B. Bass.
7550	J. A. Andrews.	8303	George Barrow.
7554	T. J. Morcum.	8304	Joel H. Curd.
7559	William J. Cannon.	8305	Matilda Cook.
7615	Bovina Williams.	8313	Harrison Brown
7664	Sarah A. E. Morrison.	8314	William Ballinger.
7671	Mary A. Bolinger.	8326	James Bishop.
7769	A. P. Reid.	8328	R. D. Anthony.
7793	Thomas Payne.	8329	Jesse L. Atwood.
7801	Newton C. Ward.	8347	James D. Cain.
7805	Elisha Williams.	8348	Isaac Cain.
7807	Thomas D. Harris.	8350	W. P. Connor.
7814	Charles Robinson.	8356	Patrick Golden.
7825	James C. Parker.	8358	Edward F. Tailey.
7839	Amos S. Knight.	8367	Sarah Rollins.
7848	John W. Coward.	8374	James S. Bryant.
7877	Rebecca Williams.	8375	Spencer G. Rogers.
7935	Zachariah Staggs.	8376	James Munroe.
7969	David Burke.	8389	Pinckney E. Wood.
7997	W. A. Adams.	8391	John Sanford.
7978	Jesse H. Peters.	8395	Mary P. Clark et al.
7995	Eliza Castler.	8398	A. K. Brent.
7997	J. G. Green.	8418	Sarah Swetman.
8014	Mordecai M. Elliott.	8426	J. R. Luker.
8022	Ann E. Elliott.	8429	Robert Dean.
8025	Emily F Heard.	8436	William White.
8048	James Tryer.	8445	George R. Redford.
8062	Peter Duffy.	8446	John W. Chappell.
8127	John J. Feazure.	8452	D. A. Butter.
8128	Francis J. Fitzpatrick.	8453	F. M. Butter.
8129	Henry M. McElroy.	8475	Lewis Baker.
8130	Robert A. Mansfield.	8482	Estate of William Emmett.
8131	David H. Hall.	8495	Monroe Robinson.
8132	J. W. Robey.	8539	James O. Trundle.
8133	R. W. & D. F. Pope.	8541	G. W. Smith.
8134	Presley B. Potter.	8549	Sarah Grant.
8135	John N. Pierce.	8557	Isaac Hockman.
8136	T. J. Oliver.	8568	Thomas B. Stubbs.
8137	Estate of Elisha F. O'Neall.	8601	Gotlieb Lindenmyer.
8138	S. H. Murrell.	8620	A. J. Esslinger.
8139	Martha A. Mitchell.	8641	George W. Wilson.
8140	James H. Murphy.	8661	Sarah Jackson.
8141	William J. Miller.	8679	Ann M. Shahan.
8142	John W. Lyles.	8706	Abraham Sager.
8144	James A. Hodges.	8727	Phineas Thomas.
8145	Robert Walker.	8758	Henry Gell.
8146	James Fugua.	8765	Henry S. Brown.
8147	S. W. White.	8773	Margaret Reeves.
8149	Shelly Gray.	8807	Joseph Wenger.
8150	C. A. Willoughby.	8814	James R. Thompson.
8151	C. S. Stevenson.	8821	Alexander Marshall.
8152	A. Y. Williams.	8825	Henry B. Hurdle.
8153	William M. Temple.	8856	Francis H. Stubbs.
8154	R. W. Ferrel.	8898	Emanuel Spitzer.
8155	Henry Smith.	8910	Samuel Norris.
8156	Charles B. Stevens.	8921	John A. Racer.
8157	H. H. Sugg.	8923	Lawrence Crawford.
8158	Samuel J. Reed.	8934	Thomas T. Tucker.
8159	Albert Mitchell.	8943	Hannah M. Hanger.

Congressional cases dismissed for want of prosecution May 13, 1907—Continued.

No.	Name.	No.	Name.
8946	J. J. W. B. Rogers.	9748	James McMinn.
8948	Sarah A. Bostick.	9756	J. N. Croon.
8971	Elizabeth C. Whiteside.	9759	Lewis Bradley.
8976	Anna Shank.	9766	J. F. Peck.
8977	Nancy Jones.	9776	Zion R. Crayne.
8995	Calvin Smith Hill.	9778	Jesse Taylor.
9075	William Gwinn.	9785	Mrs. Martha A. Street.
9083	John Lawhead.	9800	Martha P. Smith.
9093	Robert Air & Co.	9802	John R. Spear.
9096	B. F. Robinson.	9907	Thomas Gayle.
9100	Ellen Kamp.	9923	D. W. Hatch.
9103	James C. Glenn.	9957	Cornelius Phetzing.
9104	William P. Hendricks.	10051	Alexander Daniels.
9105	William R. Boice.	10120	Tabitha Stephens.
9107	Thomas B. Armstrong.	10141	Ann Carr.
9111	Richmond P. Hunter.	10343	J. H. Sanders.
9112	John S. Berry.	10344	John H. Redman, sr.
9117	Alexander Lutz.	10345	Margaret J. Beall.
9133	William D. Allen.	10447	Heirs of Martni Preston.
9141	Frederick S. Rhodes.	10478	Heir of Thomas Aeuff.
9149	Daniel Gooch.	10481	Thomas D. Acuff.
9183	James McGraw.	10510	John C. Hill.
9189	Mrs. Nancy Williams.	10513	Alexander Kerr.
9204	William H. Ferrell.	10515	J. M. Cooper.
9206	Obediah Fletcher.	10531	J. A. & N. B. Armon.
9213	Woodson Walker.	10532	Estate of W. E. Eubank.
9217	Armstead P. Martin.	10584	George Shultz.
9219	Hugh Taylor.	10958	Edward Beall.
9220	John Threckeld.	11177	Amos L. Griffith.
9221	John Micham.	11212	R. H. Dunaway.
9280	Silas M. Luck.	11232	John Kirk.
9286	William Grubb.	11254	S. J. Carmichael.
9291	J. A. Cooper.	11255	Nathan Spitler.
9399	Thomas N. Molloy.	11262	Annie M. Smith.
9421	Annie M. Smith.	11263	G. H. Allen.
9422	John A. Ducournau.	11291	J. C. Turner.
9427	Margaret E. Springfield.	11292	Demsey D. Butts.
9428	A. C. N. Smets.	11296	William Ozley.
9455	John S. Stone.	11297	James McDonald.
9491	Elizabeth Traweek.	11299	Robert Reed.
9494	James A. Mitchell.	11300	Leonard F. Daniel.
9503	Abel Walker.	11302	Nancy Taylor.
9531	George Gunney.	11307	Thaddeus Walker.
9543	George W. Woody.	11311	William Mack.
9549	Eliza Piggott.	11319	Mary A. England.
9630	Nancy Mitchell.	11320	James A. Bitzer.
9633	Mary A. Ross.	11327	George W. Beard.
9653	R. B. Dunbar.	11332	Samuel Knott.
9654	D. C. Miller.	11335	Thomas W. Chilton.
9675	John H. Hacker.	11352	Estate of Hugh Dobkins.
9738	John G. Anthony.	11382	James D. Jones.
9743	James A. Orr.		

BY THE COURT.

A true copy.
Test this 18th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 404.

FINDINGS IN CASE OF LOUISE E. ARMSTRONG, ALICE DE K. SHATTUCK, AND CHARLOTTE A. FALLS, HEIRS OF JOHN T. ARMSTRONG.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF LOUISE E. ARMSTRONG, ALICE DE K. SHATTUCK, AND CHARLOTTE A. FALLS, HEIRS OF JOHN T. ARMSTRONG, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 19, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional case No. 10979. Louise E. Armstrong, Alice De K. Shattuck, and Charlotte A. Falls, sole heirs of John T. Armstrong, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 3d day of February, 1903.

On a preliminary inquiry the court, on the 9th day of November, 1903, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 29th day of October, 1907.

G. W. Z. Black, esq., appeared for claimant, and the Attorney-General, by W. W. Scott, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimants in their petition make the following allegations:

That they are citizens of the United States, residing in Washington, D. C., and that their decedent resided in Alexandria, Va., during the late war of the rebellion; that

at different times during the said period the United States forces, by proper authority, took possession of a wharf in Alexandria, Va., belonging to the said John T. Armstrong, and appropriated the same to the use of the United States Army, as follows:

From June 1, 1863, to March 4, 1864, nine months	$900
From June 1, 1864, to March 1, 1865, nine months	900
From June 1, 1865, to November 1, 1865, five months	500
Total	2,300

(By Lieutenant Ferguson and Capt. J. G. C. Lee.)

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

Whatever claim the claimants had against the United States has been paid, and no further allowance is made therefor.

BY THE COURT.

Filed November 4, 1907.
A true copy.
Test this 18th day of December, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 405.

FINDINGS IN CASE OF EMMA F. AYRES, GERTRUDE AYRES, AND ARABELLA WHITEHEAD, HEIRS OF SAMUEL AYRES.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF EMMA F. AYRES, GERTRUDE AYRES, AND ARABELLA WHITEHEAD, HEIRS OF SAMUEL AYRES, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 19, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12210. Emma F. Ayres, Gertrude Ayres, and Arabella Whitehead, heirs of Samuel Ayres, deceased, *v.* The United States.]

STATEMENT OF CASE.

This is a claim for stores and supplies alleged to have been taken by the military forces of the United States during the late civil war.

On April 6, 1906, the House of Representatives, by resolution, referred to the court under the act of March 3, 1887, a bill reading as follows:

"[H. R. 3475, Fifty-ninth Congress, first session.]

"A BILL For the relief of the heirs of Samuel Ayres.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the personal representatives of Samuel Ayres, deceased, the sum of six hundred and fifty dollars and forty cents, being the amount assessed for damages to the property of Samuel Ayres, of Henrico County, Virginia, incurred by the use and occupation of the Federal troops in May, eighteen hundred and sixty-five."

The claimants appeared and filed their petition in this court April 23, 1906, in which they make the following allegations:

That they are the sole heirs of Samuel Ayres, deceased, who resided in Henrico County, Va., during the late civil war; that after the evacuation of the city of Richmond, Va., in April, 1865, by the Federal forces, the United States military forces appropriated to their use property belonging to their decedent, as follows:

80 panels of post and rail fence	$28.00
231 panels of post and plank fence	554.40
4 acres of oats	76.00
Total	658.40

The case was brought to a hearing on loyalty and merits on the 28th day of January, 1907.

John Goode, esq., appeared for the claimants, and the Attorney-General, by Malcolm A. Coles, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence, and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

I. Claimants' decedent, Samuel Ayres, was not loyal to the Government of the United States through the war for the suppression of the rebellion.

II. The evidence does not establish to the satisfaction of the court the taking of the property alleged in the petition by the military forces of the United States during the late civil war.

BY THE COURT.

Filed February 4, 1907.

A true copy.

Test this 18th day of December, A. D. 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 406.

FINDINGS IN CASE OF THOMAS J. AND JAMES H. HOLMES, HEIRS OF JONATHAN HOLMES.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF THOMAS J. AND JAMES H. HOLMES, HEIRS OF JONATHAN HOLMES, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 19, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12257. Thomas J. Holmes and James H. Holmes, heirs of Jonathan Holmes, deceased, v. The United States.]

STATEMENT OF CASE.

The following bill was referred to the court on the 31st day of March, 1906, by resolution of the United States House of Representatives under the act of Congress approved March 3, 1887, known as the Tucker Act.

'[H. R. 2302, Fifty-ninth Congress, first session.]

"A BILL For the relief of the legal representatives of Jonathan Holmes, deceased.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of Jonathan Holmes, deceased, for cattle, mules, hogs, horses, wheat, buggy, cotton, corn, oats, beans, and flour, of the value of nine thousand and ninety-four dollars, belonging to said deceased, taken and used by the United States."

The claimants appeared and filed their petition in this court May 9, 1906, in which they make the following allegations:

That their father, Jonathan Holmes, deceased, was loyal to the Government of the United States during the war for the suppression of the rebellion; that they, as heirs, reside in Jones County, State of Georgia; that during the month of December, 1864, United States forces appropriated the stores and commissary supplies from their deceased father, Jonathan Holmes, as follows:

36 bales of cotton	$3,600
8 bales of cotton	800
1 gin house	1,000
400 bushels of corn	400
14 head of horses	1,400
14 head of beef cattle	420
1 stallion	500
40 head of hogs	400
1 buggy	150
1,200 pounds of flour	24
340 bushels of corn	340
20 bushels of peas	20
40 bushels of wheat	40
	9,094

The above property was taken by General Sherman's army.

The case was brought to a hearing on loyalty and merits and laches on the 13th day of May, 1907.

Mr. Vedantus B. Edwards appeared for the claimant, and the Attorney-General, by Mr. M. A. Coles, his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel of both sides, makes the following

FINDINGS OF FACT.

I. Jonathan Holmes, deceased, was not loyal to the Government of the United States throughout the late civil war.

II. The evidence fails to establish to the satisfaction of the court that the property charged for herein was taken and used by the military forces of the United States as alleged in the petition.

BY THE COURT.

Filed May 15, 1907.

A true copy.

Test this 18th day of December, A. D. 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 407.

FINDINGS IN CASE OF CASWELL C. HUCKABEE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF CASWELL C. HUCKABEE AGAINST THE UNITED STATES.

DECEMBER 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 19, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 11217. Caswell C. Huckabee v. The United States.]

STATEMENT OF CASE.

The following bill was referred to the court on the 20th day of February, 1903, by resolution of the House of Representatives under an act of Congress approved March 3, 1887, known as the Tucker Act:

"[H. R. 10709, Fifty-seventh Congress, first session.]

"A BILL For the relief of C. C. Huckabee.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of six thousand dollars be, and the same is hereby, appropriated, to be paid to C. C. Huckabee, of Calhoun County, Alabama, in payment for stores and supplies taken from him and used by troops of the United States during the war of the rebellion."

The claimant appeared and filed his petition in this court May 26, 1903, in which he makes the following allegations:

That during the war for the suppression of the rebellion claimant resided in Alabama, and that soldiers of the United States Army took from his farm and appropriated 3,000 bushels of corn of the value of $6,000. No compensation whatever was paid for said corn.

The case was brought to a hearing on loyalty and merits on December 11, 1906.

Samuel A. Putman appeared for the claimant, and the Attorney-General, by F. W. Collins, for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. It appears from the evidence that the claimant, Caswell C. Huckabee, was not loyal to the Government of the United States throughout the war for the suppression of the rebellion.

II. It does not appear to the satisfaction of the court that the claimant, Caswell C. Huckabee, was the owner of the property alleged to have been taken during the said war by the military forces of the United States.

III. The claim was filed before the Southern Claims Commission, but held by that Commission to be barred. It has not since been presented to any department or officer of the Government prior to its presentation to Congress and reference to this court as aforesaid.

BY THE COURT.

Filed December 17, 1906.
A true copy.
Attest this 18th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 408.

FINDINGS IN CASE OF PORTLAND COMPANY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF THE PORTLAND COMPANY AGAINST THE UNITED STATES.

DECEMBER 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 19, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the United States Senate, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. CHARLES W. FAIRBANKS,
President of the Senate.

[Court of Claims. Congressional case No. 10893. The Portland Company *v.* The United States.]

STATEMENT OF CASE.

By resolution of the United States Senate, dated June 17, 1902, the following bill was referred to the Court of Claims.

"[S. 1091, Fifty-seventh Congress, first session.]

"A BILL For the relief of the Portland Company, of Portland, Maine.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be paid to the Portland Company, of Portland, Maine, out of any money in the Treasury not otherwise appropriated, the sum of sixteen thousand one hundred and seventy-three dollars and forty-nine cents, being the amount remaining unpaid of the sum awarded to said Portland Company for work done and material furnished in the construction of the United States double ender gunboats *Agawan* and *Pontoosuc*, as per report of Thomas O. Selfridge, commodore and president of board, Senate Executive Document Numbered Eighteen, first session of the Thirty-ninth Congress."

The claimant appeared and filed its petition in which, among other things, it alleges substantially that the Portland Company, a corporation duly incorporated under and in accordance with the laws of Maine, having its place of business at Portland, Me., entered into two written agreements with Benjamin F. Isherwood, Chief of the Bureau of Steam Engineering, Navy Department, by which it agreed to furnish and erect in the United States steamers *Agawan* and *Pontoosuc* all the machinery necessary for the propulsion of the same in consideration of the sum of $82,000 for each vessel; the work was to be completed within six months after August 30, 1862, provided the hulls were placed at its command within four and a half months; that in the summer of 1862 the Navy Department directed said Isherwood to urge upon the principal shops acceptance of contracts for wooden double enders at a fixed price of $82,000; that the superintendent of said company was sent to Washington to ascertain what the specifications were, and on his return reported that the weight of said machinery would exceed that installed in the *Paul Jones* 15 per cent, and that the directors took the contracts on the basis that the weight and cost of the engines should be about the same as the *Paul Jones;* that the engines and machinery when delivered actually weighed 532,010 pounds each, instead of 387,398 pounds, the weight of the *Paul Jones;* that the actual cost to the contractor was $250,685.29, of which sum the contract price, $164,000, has been paid, and also by act of Congress the further sum of $64,693.67, leaving still due and unpaid the sum of $21,691.62.

The case was brought to a hearing on the 13th day of December, 1906.

John S. Blair, esq., appeared for claimant, and the Attorney-General, by Charles F. Kincheloe, esq., appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. The Portland Company is a corporation duly incorporated under and in accordance with the laws of the State of Maine, having its place of business at Portland, Me. Said corporation and all its officers were loyal to the Government of the United States throughout the war of the rebellion.

II. In the year 1862 claimant entered into two written agreements with Benjamin F. Isherwood, Chief of the Bureau of Steam Engineering, Navy Department, by which it agreed to furnish and erect in the United States steamers *Agawan* and *Pontoosuc* all the machinery necessary for the propulsion of the same in consideration of the sum of $82,000 for each vessel; the work was to be completed within six months after August 30, 1862, provided the hulls were placed at its command within four and a half months.

III. Before said contracts were signed it was found that the working drawings were for much heavier machinery than said Isherwood had represented and that the cost would be a great deal more, but as the necessity for the engines and the early completion of the steamers had been strongly urged by the Government the claimant had made contracts for materials and machinery and had made considerable progress for carrying out the work.

IV. In pursuance to said contracts said machinery was installed in said steamers and delivered to the United States, but not until long after the time called for in said contracts, the principal delay being caused by the claimant being unprepared for the manufacture of marine engines and the difficulty of obtaining labor.

V. By virtue of a resolution of the United States Senate therefor, adopted March 9, 1865, the Secretary of the Navy on March 25, 1865, appointed a board of naval officers, afterwards known as the Selfridge board, to inquire into the cost of said machinery to the contractors. The claimant presented his claim to the Selfridge board and the board thereafter reported that said machinery had cost the contractors the sum of $80,867.46 over and above the contract price.

VI. The contract price, to wit, $164,000, was paid to the claimant; and thereafter by the act of March 3, 1899 (30 Stat. L., 112, 1205), the further sum of $64,693.97 was paid under and pursuant to said act, which in respect thereto reads as follows:

"To the Portland Company, of Portland, Maine, the sum of sixty-four thousand six hundred and ninety-three dollars and ninety-seven cents in excess of contract price for work done and material furnished in the construction of

machinery, engines, and boilers of the United States double-ender gunboats *Agawan* and *Pontoosuc* * * * which shall be in full discharge of all claims against the United States on account of the vessels upon which the board made their allowance as per their report, Senate Executive Document Numbered Eighteen, first session of the Thirty-ninth Congress * * *."

VII. Said claim as hereinbefore recited was presented to the Selfridge board and was thereafter presented to Congress for payment and the appropriation set forth in Finding VI was made. Subsequently, June 17, 1902, by resolution of the United States Senate, Senate bill No. 1091 for the relief of the claimant as above set forth was referred to this court.

BY THE COURT.

Filed December 24, 1906.

A true copy.
Test this 18th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 409.

FINDINGS IN CASE OF THOMAS J. SEEHORN, ADMINISTRATOR OF HIRAM YOUNG.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF THOMAS J. SEEHORN, ADMINISTRATOR OF HIRAM YOUNG, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 19, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional case No. 7320. Thomas J. Seehorn, administrator of the estate of Hiram Young, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims of the House of Representatives on the 17th day of February, 1890.

On a preliminary inquiry the court on the 16th day of February, 1892, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 23d day of April, 1907.

Messrs. George A. & William B. King, esq., appeared for claimant, and the Attorney-General, by Felix Brannigan, esq., his assistant, and under his disection, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

I. That he is the administrator of the estate of Hiram Young; appointed on the 20th day of February, 1882.

II. That the following property belonging to Hiram Young was taken from him by the United States Army and used by the said Army, the date, place, and command being particularly stated below:

In Jackson County, in the State of Missouri, on or about the months from June, 1862, to July, 1863, by the forces of the United States, namely, the commands of Colonels Buell and Penick, to wit:

40 beef cattle, 1,000 pounds each, 40,000 pounds, at 7 cents	$2,800
37 wagons, at $250 each	9,250
7,000 bushels of corn, at $1.50 per bushels	10,050
Total	22,100

III. That a claim for said property was presented to the Quartermaster and Commissary Generals of the United States Army, the items of said claims being as afore stated. The said claim was not allowed because it was not considered that the merits of the claim had been satisfactorily established.

IV. The claim has been presented to the Fifty-first Congress, and was by the House of Representatives of the said Fifty-first Congress referred to the Committee on War Claims by which committee it was on the 17th day of February, 1890, referred to this court for a finding of the facts in accordance with section 1 of an act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

The case was brought to a hearing on the merits on the 23d day of April, 1907, George A. & William B. King appearing for the claimant, and Hon. J. A. Van Orsdel, assistant attorney-general, by his assistant, Felix Brannigan, esq., appearing for the defense and protection of the interests of the United States.

The court, upon the evidence, and considering the briefs of counsel on both sides, makes the following

FINDING OF FACT.

The evidence does not establish to the satisfaction of the court that the property herein claimed for was taken from the claimant's decedent as alleged in the petition, and hence no allowance is made.

BY THE COURT.

Filed April 29, 1907.
A true copy.
Test this 18th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 410.

FINDINGS IN CASE OF JOHN B. FARRIS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN B. FARRIS AGAINST THE UNITED STATES.

DECEMBER 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 19, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional case No. 2689. John B. Farris *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case, for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 6th day of March, 1888.

On a preliminary inquiry the court, on the 2d day of April, 1906, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken ,was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 20th day of November, 1906.

Pennebaker & Jones, esqs., appeared for claimant, and the Attorney-General, by Charles F. Kincheloe, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in the county of Barren, in the State of Kentucky, where he resided during the civil war; that the forces of the United States under Capt. H. J. Belt, Forty-eighth Kentucky Infantry Volunteers, took from him on or about August 3, 1864, one horse of the reasonable value of $125.

The court, after considering briefs and arguments of counsel on both sides, makes the following

FINDING.

If any property has been taken from the claimant, John B. Farris, as above set forth, payment has heretofore been made therefor.

BY THE COURT.

Filed December 10, 1906.
A true copy.
Test this 18th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 411.

FINDINGS IN CASE OF MARY STAFFORD ET AL., HEIRS OF ALFRED A. WILLIAMS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF MARY STAFFORD ET AL., HEIRS OF ALFRED A. WILLIAMS, AGAINST THE UNITED STATES.

DECEMBER 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 19, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the "Bowman Act."

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional case No. 561. Mary Stafford, Maggie Cooke Williams, Nolan Stewart Williams, Elsie Williams Favrot, Genevieve Williams McBride, Duncan Cage Williams, and Olive Huntington Williams, heirs of Alfred A. Williams, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for stores and supplies alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 4th day of March, A. D. 1886.

On a preliminary inquiry the court, on the 28th day of November, A. D. 1892, found that the person alleged to have furnished the supplies or stores or from whom they were alleged to have been taken was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 28th day of October, 1907.

Vedantus B. Edwards, esq., appeared for claimant, and the Attorney-General, by Clark McKercher, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimants in their petition make the following allegations:

Your petitioners, Mary Stafford, Maggie Cooke Williams, Olive H. Williams, Elsie Williams Favrot, of West Baton Rogue, La., Genevieve Williams McBride, D. C. Williams, and N. S. Williams, of New Mexico, respectfully represent:

I. That they are citizens of the United States of America and residents as aforesaid; that Alfred A. Williams departed this life September 1, 1863, leaving at the time of his death, as his only heirs at law, James McCalop Williams, who died November 17, 1867, without issue; Mary Williams (now Mary Stafford), and Nolan Stewart Williams, who died March 4, 1900, leaving as his heirs at law Maggie Cooke Williams, Olive H. Williams, Elsie Williams Favrot, Genevieve Williams McBride, D. C. Williams, and N. S. Williams; that Alfred A. Williams was in his lifetime a citizen of the United States and a resident of Baton Rouge, State of Lousiana.

II. That on the 16th day of June, 1862, Henry H. Elliott, first lieutenant, Ninth New York Volunteers, acting assistant quartermaster of the United States Army, purchased from Alfred A. Williams, deceased, and gave him a voucher for 6,868 barrels of coal, at $1.75	$12,019
That on February 7, 1863, there was paid only	6,868
Leaving due and unpaid	5,151
That on February 28, 1863, T. K. Fuller, captain and asistant quartermaster, United States Army, purchased from said Alfred A. Williams, deceased, and gave him a voucher for 49 mules, value $100 each	4,900
That on December 4, 1863, there was paid only	4,100
Leaving due and unpaid	800
That on March 20, 1863, E. A. Moore, captain and assistant quartermaster, United States Army, purchased from said Alfred A. Williams, deceased, and gave him a voucher for 400 bushels of corn, at $1	400
300 barrels of coal, at $1.25	375
	775
That on December 2, 1863, there was paid only	695
Leaving due and unpaid	80
That on March 31, 1863, E. A. Moore, captain and assistant quartermaster, United States Army, purchased from Alfred A. Williams, deceased, and gave him a voucher for 3,445 bushels corn, at $1 per bushel	3,445
On December 2, 1863, there was paid only	2,756
Leaving due and unpaid	689
That on June 9, 1863, W. E. Nye, Fourth New York, lieutenant and acting assistant quartermaster, United States Army, purchased from said Alfred A. Williams, deceased, and gave him a voucher for 1,200 bushels of corn, at $1 per bushel	1,200
That on December 2, 1863, there was paid only	960
Leaving due and unpaid	240

That on the 8th day of June, 1863, F. G. Pope, captain Company D, Forty-first Massachusetts Regiment, United States Army, by order of Major-General Banks, of the United Army, received from Alfred A. Williams, deceased, 100 bales of cotton, and gave him a receipt therefor (as appears by a printed copy, the original being lost), valued by claimant to be worth $25,000.

III. That said claim was filed before the War Department in February, 1868, but no action was taken thereon, on the ground that the payment was prohibited by law; that subsequently, on November 7, 1871, the claims for cotton and other claims were presented to the Commissioners of Claims, under the act of Congress of March 3, 1871, and by said Commissioners reported to Congress for rejection, and while the same was pending therein, the Committee of War Claims of the House of Representatives of the Forty-ninth Congress, on the 4th day of March, 1886, referred said claims to the Court of

Claims for a finding of facts under the act of Congress approved March 3, 1883, known as the Bowman Act.

IV. That the claim herein set forth has not been assigned or transferred, and that your petitioners are the sole heirs at law of Alfred A. Williams, deceased, and the sole owners of said claim, which is correct and just. That neither Alfred A. Williams, deceased, nor your petitioners gave any aid or comfort to the late rebellion, but he and they were throughout that war loyal to the Government of the United States.

V. That your petitioners were minors during said war, Mary Stafford being only 18 years old September 1, 1863, and Nolan S. Williams, the father of all the other petitioners, being only 15 years old September 1, 1863. The administrator of Alfred A. Williams, deceased, is dead, and no other property unadministered.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

I. The legal heirs of Alfred A. Williams, deceased, are:

Mary Stafford, Maggie Cook Williams, Nolan Stewart Williams, Elsie Williams Favrot, Genevieve Williams McBride, Duncan Cage Williams, and Olive Huntington Williams.

II. During the war for the suppression of the rebellion the claimants' decedent sold to officers of the Government property of the kind and character described in the petition; and if the claim be treated as one for stores and supplies, the decedent has been paid the full value of the property sold by him, and no further allowance is made therefor.

BY THE COURT.

Filed November 4, 1907.

A true copy.

Test this 18th day of December, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

HOUSE OF REPRESENTATIVES. { DOCUMENT No. 413.

W. O. BATEY, ADMINISTRATOR OF JOHN HAYNES.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF W. O. BATEY, ADMINISTRATOR OF JOHN HAYNES, DECEASED, AGAINST THE UNITED STATES.

[illegible] 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 19, 1907.

SIR: Pursuant to the order of the court I transmit herewith a [illegible]ified copy of the findings filed by the court in the aforesaid cause, [illegible]ich case was referred to this court by the Committee on War [illegible]ims, House of Representatives, under the act of March 3, 1883, [illegible]own as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional No. 4440. Heirs of John Haynes *v.* The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that John Haynes the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed February 25, 1907.

[Court of Claims. Congressional case No. 4440. W. O. Batey, administrator of John Haynes, deceased, *v.* The United States.]

STATEMENT OF CASE.

The clai[illegible] above-entitled case for supplies, or stores, alleged to have been taken [illegible]urn[illegible]d to the military forces of the United States for their use d[illegible] war for the suppression of the rebellion was transmitted [illegible] the Commit[illegible] War Claims, House of Representa-

his warrant of authority being herewith brought into court; that said decedent was during the late war, a resident of the District of Columbia and he did not give any aid or comfort to the said rebellion but was throughout that war loyal to the Government of the United States.

That the following property belonging to Resin Arnold was taken from him by the United States Army and used by the said Army, the date, place, and command being particularly stated below:

In Washington County, D. C., from August 1, 1861, to November, 1865, the forces of the United States, namely, Sickles' brigade and other United States troops, to wit:

1. For rent, 70 acres of land from August 1, 1861, to November, 1865, 4 years and 3 months, at $500 a year	$2,125.00
2. For rent of a house and barn for the same time	850.00
3. 20 acres of timber, 45 cords per acre, at $4 per cord	3,600.00
4. 650 panels of fence, at $1.50 a panel	975.00
Total	7,550.00

That a claim for said property was presented to the Quartermaster-General of the United States Army the items of said claim being as aforestated, and that official allowed the claim in part, as it was not considered that the claimant was entitled to remuneration of a total amount in excess of the following:

1. For rent of farm and dwelling from August 8, 1861, to June 30, 1865	$1,947.22
2. 800 cords of wood, at $1 per cord	800.00
3. 45 cords of wood, at $3.50 per cord	157.50
Total	2,904.72

That the claimant now petitions for the payment of this claim in the amounts specified on the first page of this petition less the amount above of two thousand nine hundred and four dollars and seventy-two cents ($2,904.72).

That the said claim has been presented to the Fiftieth and other Congresses and was by the House of Representatives of the Fiftieth Congress referred to the Committee on War Claims of said House, by which committee it was on the 19th day of June, 1888, referred to this court for a finding of the facts in accordance with section one of an act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

That no other action than as aforesaid has been had on this claim in Congress or by any of the Departments; that the claimant is the sole owner of this claim and the only person interested therein; and no assignment or transfer of this claim or any part thereof or interest therein, has been made; that the claimant is justly entitled to the amount claimed from the United States after allowing all just credits and offsets; that the claimant is a citizen of the United States. And the claimant believes the facts as stated in this petition to be true.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDING OF FACT.

During the war for the suppression of the rebellion the military forces of the United States took possession of and used the lands described in the petition almost continuously from 1861 to 1865, and cut timber therefrom and used the fencing as alleged in the petition. The reasonable value thereof at the time and place of the use and taking was two thousand nine hundred and four dollars and seventy-two cents ($2,904.72), for which the claimant's decedent was paid through the Quartermaster's Department under the act of July 4, 1864. Therefore, no further allowance is made in claimant's favor.

BY THE COURT.

Filed February 11, 1907.

A true copy.
Test this 18th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 413.

W. O. BATEY, ADMINISTRATOR OF JOHN HAYNES.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF W. O. BATEY, ADMINISTRATOR OF JOHN HAYNES, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 19, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional No. 4440. Heirs of John Haynes *v.* The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that John Haynes the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed February 25, 1907.

[Court of Claims. Congressional case No. 4440. W. O. Batey, administrator of John Haynes, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims, House of Representatives, on the 1st day of May, 1888.

On a preliminary inquiry the court, on the 25th day of February, 1907, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 22d day of October, 1907.

C. A. and F. W. Brandenburg, esqs., appeared for claimant, and the Attorney-General, by A. C. Campbell, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That said John Haynes, now deceased, during the said war was a resident of Rutherford County, State of Tennessee, and was the owner and possessor on his farm in said county and State of certain quartermaster stores and commissary supplies, which in the spring of 1863 were seized and appropriated to the use of the military forces of the United States then stationed and operating in said locality, according to the following bill of items:

1,200 bushels of corn	$720
1,500 pounds of fodder	150
Total	870

The court, upon the evidence and after the consideration of briefs and after hearing the arguments of the respective counsel, makes the following

FINDING OF FACT.

During the war for the suppression of the rebellion the military forces of the United States, for the use of the Army, by proper authority, took from the claimant's decedent in Rutherford County, State of Tennessee, property of the kind and character above described, which at the time and place of taking was reasonably worth the sum of six hundred and seventy-five dollars ($675).

No payment appears to have been made therefor.

BY THE COURT.

Filed October 28, 1907.

A true copy.
Test this 16th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 414.

FINDINGS IN THE CASE OF WILLIAM H. DAWSON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF WILLIAM H. DAWSON AGAINST THE UNITED STATES.

DECEMBER 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 20, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 11272. William H. Dawson *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that William H. Dawson, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed March 26, 1906.

[Court of Claims. Congressional case No. 11272. William H. Dawson *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 26th day of January, 1904.

On a preliminary inquiry the court, on the 26th day of March, 1906, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 29th day of October, 1907.

Moyers and Consaul appeared for the claimant, and the Attorney-General, by F. W. Collins, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in the County of Monroe, State of Tennessee.

That during the late civil war petitioner resided in said county and State; that during said war the United States military forces, under proper authority, took from petitioner for use of the army, quartermaster stores and commissary supplies of the kinds and values below stated, to wit:

516 bushels of corn, at $1 per bushel	$516
1 horse	150
1½ tons fodder, at $12 per ton	18
1,500 pounds of bacon, at 20 cents per pound	300
2,000 rails, at $3 per hundred	60
100 dozen bundles oats, at 25 cents per dozen	25
200 pounds flour	14
Total	1,083

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

I. During the late civil war the United States military forces, under proper authority, took from claimant, in the county of Monroe, State of Tennessee, for the use of the army, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of six hundred and eighty dollars ($680).

No payment appears to have been made therefor.

BY THE COURT.

Filed November 4, 1907.

A true copy.
Test this 19th day of December, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 415.

FINDINGS IN CASE OF WILLIAM COHEN, ADMINISTRATOR OF ISADORE COHEN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF WILLIAM COHEN, ADMINISTRATOR OF ISADORE COHEN, DECEASED, AGAINST THE UNITED STATES.

DECEMBER 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 20, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 6920. William Cohen, administrator of Isadore Cohen, deceased, *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Isadore Cohen, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed January 3, 1905.

[Court of Claims. Congressional case No. 6920. William Cohen, administrator of the estate of Isadore Cohen, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case, for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 19th day of February, 1899.

On a preliminary inquiry the court, on the 3d day of January, 1905, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 21st day of November, 1905.

Moyers & Consaul appeared for claimant, and the Attorney-General, by Franklin W. Collins, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, now residing in the city and county of New York, State of New York; that he is the duly appointed, qualified, and acting administrator of the estate of Isadore Cohen, deceased, late a resident of the county of Edgecombe, State of North Carolina, and formerly a resident of the State of Texas; that after the surrender of General Lee, to wit, in June, 1865, the United States military forces, under proper authority, took from said decedent and converted to the use of the United States Army, quartermaster stores and commissary supplies of the kinds and values below stated, to wit:

3 wagons, at $200 each	$600
16 mules, at $125 each	2,000
2 horses, at $125 each	250
18 sets of harness, at $12.50 each	225
Total	3,075

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

There was taken from the claimant's decedent in Brownsville, State of Texas, by the military forces of the United States, for the use of the Army, by proper authority, property of the kind above described, which at the time and place of taking was reasonably worth the sum of five hundred and thirty-two dollars ($532).

No payment appears to have been made therefor.

BY THE COURT.

Filed December 4, 1905.

A true copy:
Test, this 19th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 416.

FINDINGS IN CASE OF GEORGE L. STULL.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF GEORGE L. STULL AGAINST THE UNITED STATES.

DECEMBER 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE.
Washington, D. C., December 20, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 10054. George L. Stull v. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that George L. Stull, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed February, 1902.

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 13th day of February, 1900.

On a preliminary inquiry the court, on the 17th day of February, 1902, found that the person alleged to have furnished the supplies, or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 22d day of October, 1906.

G. W. Hott, esq., appeared for claimant, and the Attorney-General, by W. W. Scott, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in Frederick County, Md., where he resided during the late civil war; that at different times during said period the military forces of the United States, by proper authority, took from him in said county and State certain quartermaster stores and appropriated the same to the use of the Army, as follows:

Item 1. 5 tons of hay, at $20	$100
Item 2. 250 bushels of oats, at 80 cents	200
Item 3. 100 bushels of wheat, at $2.50	250
Total	$550

(Taken about June 27, 1863, by General Meade's command.)

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

There was taken from the claimant, in the county of Frederick, State of Maryland, during the war for the suppression of the rebellion, by the military forces of the United States, by proper authority, for the use of the Army, property of the kind and character above described, which was then and there reasonably worth the sum of two hundred dollars ($200.00), for which no payment appears to have been made.

BY THE COURT.

Filed October 29, 1906.

A true copy.
Test this 19th day of December, 1906.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 417.

OPINION OF COURT OF CLAIMS IN CASE OF EDWARD CAHALAN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE OPINION OF THE COURT IN THE CASE OF EDWARD CAHALAN AGAINST THE UNITED STATES.

DECEMBER 21, 1907.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 19, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the opinion of the court filed in the aforesaid cause, which case was referred to this court by the resolution of the House of Representatives under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12227. Decided March 18, 1907. Edward Cahalan v. The United States.]

BARNEY, J., delivered the opinion of the court.

On December 4, 1905, there was introduced in the House of Representatives a bill for the relief of the claimant, as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Edward Cahalan, of Saint Louis, Missouri, be, and he is hereby, authorized and empowered to bring suit in the Court of Claims, and said court is hereby authorized and empowered to hear and determine according to law and equity the amount of compensation due the said Edward Cahalan for the use, damage, and detention of the steamer *J. H. Dickey* by the United States authorities during the late war, and the court shall hear and consider the new testimony and any other proper testimony which may be offered at the trial by the claimant, and the testimony considered by the court in the original trial, as reported in the Sixth Court of Claims Reports, page four hundred and fifty-three, so far as the same may be applicable to the new trial, shall also be available."

Thereafter, and during the same Congress, said bill, with all accompanying papers, was referred to this court for findings of fact under the act of March 3, 1887, commonly known as the Tucker Act.

It is contended by the defendants that this court is without jurisdiction to make findings in this case under said reference, for the reason that the bill referred to does not come within the provisions of said act. Section 14 of the Tucker Act, under which the reference was made, provides:

"That whenever any bill, except for a pension, shall be pending in either House of Congress, providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims," etc.

The foregoing section of the Tucker Act has frequently been before this court for consideration, and an inclination has been shown to give it a very liberal construction; but we do not feel disposed at this time to go any further in that direction. In order to come within the provisions of the act it must appear, inferentially at least, that some measure is pending before Congress involving the payment of some kind of claim, grant, gift, or bounty, about which it desires information from this court to enable it to act with better discretion. (*Bellah* v. *The United States*, 39 C. Cls. R., 396; *Leahy* v. *The United States*, 41 C. Cls. R., 265.)

In the first of the cases referred to the bill was one authorizing the Secretary of War to investigate and report to Congress, and was evidently referred to the court by mistake. In the Leahy case cited, the bill on its face expressly authorized the court to adjudicate the claim under section 14 of the Tucker Act, so that if the bill had become a law the court's power would have been limited to finding the facts under said section 14. In the present case the bill is one authorizing the claimant to bring suit in the Court of Claims for adjudication according to law and equity, i. e., to determine whether he had a claim, so that had this bill become a law the court would have been authorized to render judgment for or against the claimant. It is not a claim or a bill for the payment of a claim, or for a grant, gift, or bounty pending in Congress. On the contrary, it is a bill to take the claim out of the domain of Congress and refer it to this court for final adjudication. The reference is in effect calling upon this court to exercise in advance the lesser judicial function of finding the facts in a case which, if the bill passes and becomes a law, later it will be called upon to "hear and determine." It is not seen how this exercise of such a function can possibly be of any assistance to Congress in the consideration of the bill in question.

We do not believe that the most liberal construction of the Tucker Act gives this court jurisdiction of the reference of such a bill, and hence the petition is dismissed.

By the Court.

Filed March 18, 1907.

A true copy.
Test this 18th day of December, 1907.
[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 418.

FINDINGS IN CASE OF SLOOP FOX.

LETTERS FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SLOOP FOX, NATHANIEL DENNIS, MASTER.

DECEMBER 21, 1907.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 20, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Fox*, Nathaniel Dennis, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel sloop *Fox*, Nathaniel Dennis, master.]

No. of case.	Claimant.
40.	Edmund D. Codman, administrator of William Gray, *v.* The United States.
1039.	Brooks Adams, administrator of Peter C. Brooks, *v.* The United States.
1651.	George G. King, administrator of Crowell Hatch, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 7th day of November, 1907.

The claimants were represented by William T. S. Curtis, Theodore J. Pickett, and Charles W. Clagett, esqrs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

FINDINGS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The sloop *Fox*, whereof Nathaniel Dennis was master, sailed on a commercial voyage June 20, 1798, from Ipswich, Mass., bound to the port of

tinico, with a cargo consisting of codfish, wood, oil, beef, etc. On July 4, 1798, while peacefully pursuing said voyage, she was seized on the high seas by the French privateer *Le Pelletier*, Capt. Pierre Mounier, and conducted into the port of Basseterre, in the island of Guadaloupe. Thereafter, on the 28th day of July, 1798 (Thermidor 4, year 6), said vessel and cargo were condemned by the tribunal of commerce sitting at Basseterre on the following ground:

"That on board the American sloop *Fox* were found neither invoice, bill of lading, nor rôle d'équipage."

II. The sloop *Fox* was a duly registered vessel of the United States of 73 tons burthen, built at Ipswich, Mass., in the year 1785, registered at Salem in the year 1794, and owned solely by John Heard and Jonathan Ingersoll, citizens of the United States.

III. The cargo of the sloop *Fox* at the time of capture consisted of codfish, wood, oil, beef, etc., but the value and ownership of the same do not appear.

IV. July 19, 1798, John Heard and Jonathan Ingersoll obtained a policy of insurance in the office of Peter C. Brooks to the amount of $2,000 on the said sloop *Fox*, paying therefor a premium of 33⅓ per cent. The underwriters, all of whom were citizens of the United States, who underwrote the said insurance, each in the amount set opposite his name, were as follows:

William Gray, jr	$600	Crowell Hatch	$400
William Smith	400	Caleb Hopkins	200
Benjamin Bussey	400		

January 24, 1799, said insurers duly paid the said insured the sum of $2,000, being in full for a total loss on said policy, and a loss to each of said underwriters of the amount underwritten by them respectively, by reason of the capture and condemnation as aforesaid.

There was also included in the above policy an insurance on the cargo of said vessel, but it not appearing who were the owners of said cargo or of the value thereof, no recovery can be had therefor, nor is the neutrality of said cargo shown.

V. After said payment, to wit, December 8, 1801, the administrator of the estate of Caleb Hopkins, in consideration of $3,000, transferred to Peter C. Brooks all the interest of said Hopkins, with its advantages and disadvantages, as an underwriter in said Brooks's office.

After said payment, to wit, December 16, 1801, for and in consideration of $3,715.50, and the assumption of all responsibility of William Smith as an insurer in the office of Peter C. Brooks, said Smith assigned to said Brooks all his interest in said business.

After said payment, to wit, February 15, 1805, for and in consideration of $10,000, and the assumption of all responsibility of Benjamin Bussey as an insurer in the office of Peter C. Brooks, said Bussey assigned to said Brooks all his interest in and to said business.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the sloop *Fox*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain, concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States;

and that the claimants are entitled to the following sums from the United States:

Edmund D. Codman, administrator of William Gray, jr., six hundred dollars	$600.00
Brooks Adams, administrator of Peter C. Brooks, one thousand dollars	1,000.00
George G. King, administrator of Crowell Hatch, four hundred dollars	400.00
Amounting in all to two thousand dollars	2,000.00

No persons claiming to represent the owners of the vessel and cargo have appeared herein.

BY THE COURT.

Filed December 2, 1907.

A true copy.
Test this 20th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 439.

FINDINGS IN CASE OF SCHOONER TWO COUSINS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER TWO COUSINS, ELIJAH DEVALL, MASTER.

JANUARY 6, 1908.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., December 31, 1907.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law and opinion of the court filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Two Cousins*, Elijah Devall, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims of the United States. French Spoliations. Decided May 13, 1907. Act of January 20, 1885, 23 Stat. L., 283. Vol. I, Supplement to R. S., 2d ed., 471. Schooner *Two Cousins*, Elijah Devall, master. No. 569. Horace E. Hayden, administrator of David H. Conyngham, surviving partner of Conyngham, Nesbitt & Co., v. United States. No. 1330. The President & Directors of the Insurance Company of North America v. United States.]

PRELIMINARY STATEMENT.

These cases were heard before the Court of Claims on the 19th day of March, 1907. The claimants were represented by Thomas Stokes, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General Josiah A. Van Orsdel.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same, determine the facts to be as follows:

I. The schooner *Two Cousins*, Elijah Devall, master, sailed on a commercial voyage on or about February 11, 1797, from Jeremie bound for Philadelphia. It appears, from the master's protest, that a few days thereafter, while peacefully pursuing said voyage, she was captured on the high seas by the French privateer *La Magdelaine* and manned with a prize crew; that on the 27th of February, near the island of Cuba, said schooner met with a Spanish war vessel, the *Gloria*, which fired several cannon shots at her; that the prize crew ran the *Two Cousins* aground and ordered the American seamen to go in the boat with them; the master refused to consent thereto; that the prize crew cut

away the fasts of the boat on deck, the standing and running rigging, sunk the anchors, and abandoned the schooner with her American flag flying as aforesaid; that the master resumed command of the schooner after such abandonment, put the main topsail back, put the vessel about to leeward, and in a short time got her off from being aground. Shortly thereafter the boat of the Spanish war vessel reached the schooner and, taking her in tow, carried her alongside of said war vessel, where the master was examined: that after the Spanish officers had left the schooner the master called his crew, who had been forced to go on shore by the Frenchmen, to come on board, with which command they refused to comply. Thereupon the schooner was taken to Habana. The French privateer proceeded to Cape Francois and obtained a condemnation of the vessel and cargo upon the ground that she had come from Jeremie in violation of the decree of the commission of the executive directory declaring Jeremie to be in a state of siege. He appeared at Habana and claimed the schooner as his prize. Upon trial by the Spanish authorities and the production of said French decree of condemnation said schooner and cargo were delivered to the French privateer (each party being required to pay his own costs and to share equally the costs made in common). By virtue of the condemnation by France the vessel and cargo became a total loss to the owner thereof.

II. The *Two Cousins* was a duly registered vessel of the United States of $80\frac{3}{95}$ tons burthen, was built in Somerset County, Md., in 1795, and was owned by David H. Conyngham and John M. Nesbitt, composing the firm of Conyngham, Nesbitt & Co.

III. The cargo of the *Two Cousins* at the time of capture consisted of coffee and was owned by the firm of Conyngham, Nesbitt & Co., owners of the vessel.

IV. The losses of Conyngham, Nesbitt & Co., by reason of the capture and condemnation, were as follows:

Value of vessel	$3,200.00
Freight earnings	1,333.33
Value of cargo	13,278.80
Amounting in all to	17,812.13
Less insurance received	9,800.00
Net loss	8,012.13

V. March 9, 1797, Conyngham, Nesbitt & Co. effected insurance in the office of the Insurance Company of North America on the cargo in the sum of $10,000, paying therefor a premium of 10 per cent. Thereafter said insurance company paid the said insured the sum of $9,800, being in full for a total loss, less an abatement of 2 per cent.

As the said insurance was effected subsequent to the date of the illegal capture, France is not chargeable with the premium of insurance thereon, and hence no premium is allowed herein against the United States.

VI. The firm of Conyngham, Nesbitt & Co. was composed solely of David H. Conyngham and John M. Nesbitt, said David H. Conyngham being the survivor of the said firm.

The Insurance Company of North America was and is duly incorporated under the laws of the State of Pennsylvania.

The above claims were presented to the Commissioners of Claims appointed by authority of the treaty between the United States and Spain of 1819, both of which were disallowed because of insufficient testimony.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Two Cousins*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their respective capacity, are the owners of said claims, which have never been assigned, except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United

States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Horace E. Hayden, administrator of David H. Conyngham, surviving partner of Conyngham, Nesbit & Co	$8,012.13
The president and directors of the Insurance Company of North America, nine thousand eight hundred dollars	9,800.00
	17,812.13

Amounting in all to seventeen thousand eight hundred and twelve dollars and thirteen cents.

PEELE, Ch. J., delivered the opinion of the court:

The facts upon which the decision in this case is founded are set forth in finding 1, the material substance of which is that after the *Two Cousins* had been captured by a French privateer the privateer was fired upon by a Spanish vessel of war, whereupon the prize crew ran the captured vessel aground and compelled her seamen to go on the boat with them, but the master refused and remained on the vessel. After the prize crew had cut away the fasts of the boat on deck, the standing and running rigging, and sunk the anchor they abandoned the vessel, with the American flag flying. The master resumed command and soon got the vessel off from being aground, when the Spanish war vessel came alongside and took the vessel in tow. The master of the American vessel tried to get his crew to come aboard, but they refused, and thereupon the Spanish vessel of war towed the *Two Cousins* to Habana. In the meantime the privateer proceeded to Cape Francois and obtained a condemnation of the vessel. The captor appeared in Habana and claimed the vessel so captured, insisting that he had not abandoned the vessel or lost sight thereof, and produced the decree of condemnation, whereupon the question as to which was entitled to the possession of the vessel, the master or the captor, was submitted to a Spanish court, who decided in favor of the captor, and the vessel and cargo were delivered to him and were subsequently sold and became a total loss.

The single question is, Which of the two nations, France or Spain, is primarily liable. The capture and condemnation of the vessel and cargo by the French were both illegal independently of the absence of the master and the vessel from the jurisdiction of the prize court at the time of condemnation. The taking of the vessel into the port of Habana by the Spanish vessel of war was not an unfriendly act, especially as they had forced the French to abandon the vessel, and the master was unable to induce his crew to return. The controversy over the vessel in the Spanish port was not as to the title of the vessel, but as to the possession thereof, which was clearly within the jurisdiction of the Spanish court.

Respecting this question Mr. Justice Story, in the case of *The Tilton* (5 Mason, 455), said:

"Suits in admiralty, touching property in ships, are of two kinds—one is called *petitory* suits, in which the mere title to the property is litigated and sought to be enforced independently of any possession which had previously accompanied or sanctioned that title; the other called *possessory* suits, which seek to restore to the owner the possession of which he had been unjustly deprived when that possession has followed a legal title, or, as it is sometimes phrased, when there has been a possession under a claim of title with a *constat* of property. Until a comparatively recent period the court of admiralty exercised undisturbed jurisdiction over both classes of cases, as upon principle it is still entitled to do. * * * No doubt exists that the admiralty possesses authority to decree restitution of ships wrongfully withheld from the owners. And if so, it ought to possess plenary jurisdiction over all the incidents."

That questions of prize in general belong to the capturing power there can be no question, and this was the view of the court in the case of *The L'Invincible* (1 Wheat., 238).

In the case of the *Brig Alerta* (9 Cranch, 359) a libel was filed in the district court at New Orleans by a Spanish subject, setting forth that he was the owner of the brig *Alerta* and cargo, and that while on a voyage from Africa to Habana in 1810 he was captured by a French vessel and taken into the port of New Orleans. The libelant alleged that the French vessel was not commissioned to capture the property of Spanish subjects and that she was armed and equipped in the port of New Orleans by American citizens contrary to the law of nations. The prayer was for the restitution of the vessel with damages. The prize master admitted the capture of the *Alerta* as lawful prize of war and asserted that the French vessel at the time of the capture

was legally authorized to capture all vessels and their cargoes belonging to the subjects of Spain as enemies to France; that after the capture he was compelled to enter the port of New Orleans by stress of weather, owing to the inability of the *Alerta* to keep the sea. The court below decreed restitution to the libelant of the ship and cargo, and that decree was affirmed by the Supreme Court

And so in the case of the *Amy Warwick* (2 Sprague, 150) the court in substance held that a prize court could look beyond the legal title and deal with the beneficial interests.

In the case of the schooner *Mary*, Thomas, master (2 Wheat., 122, 129), the vessel, commanded by British subjects, was captured by the private armed schooner *Cadet*, an American vessel. The convoy under which the *Mary* sailed was in sight of her at the time of her capture. The *Cadet*, however, came up to the *Mary* so suddenly that she had no opportunity to make resistance or give notice to the convoy of her danger. On the next day, the *Cadet* and *Mary* being in company, the *Paul Jones*, an armed brig bearing sails of English canvas, pursued the *Mary*, firing at her. The prize master, being convinced that it was an English cruiser, left the *Mary* for the shore after throwing over her anchor. Within ten minutes after the prize crew had left the *Mary* the British master hoisted the English colors and steered the schooner toward the *Paul Jones*, and she was boarded by a boat from the *Paul Jones;* and being informed that the *Mary* was an English vessel the *Paul Jones* immediately stood off from the land, with the *Mary* in company, with English colors flying.

Libels were filed against the *Mary* and her cargo in the district court for the district of Maine by the master in behalf of himself, the owners and crew of the *Cadet*, the captor, and the *Mary* was condemned; but on appeal the decree was reversed, the court saying:

"We are of opinion that the facts stated in this appeal make a clear case of tortious dispossession on the part of the *Paul Jones*. The privateer *Cadet* had, with great gallantry, captured the *Mary* and been in possession of her half of a night and day. The prize was close in upon the American coast and making for a port which was open before her. It was not until the superior sailing of the *Paul Jones* made it manifest that the prize must be cut off from this port, and until she had been repeatedly fired upon, that the prize crew abandoned her. There exists not a pretext in the case that this abandonment was voluntary, or would have taken place but for the hostile approach of the *Paul Jones*. Whether the *vis major* acted upon the force or the fears of the prize crew is immaterial, since actual dispossession ensued. * * *

"We are of the opinion that the decisions of the circuit and district courts should be reversed; that the prize should be adjudged to the *Cadet*, and the case remanded for the assessment of reasonable damages in favor of the *Cadet*. But, considering that the prize arrived in safety, and probably in a more secure harbor than that for which she was sailing when seized by the *Paul Jones* (although it is certainly a case for damages), we are of opinion the damages should be moderate."

The facts in that case are quite similar to the facts in the present case. Here the dispossession of the French privateers by the Spanish armed vessel was clearly tortious as against France, but it was that tortious act against France that released the *Two Cousins* and hence as against the United States was not tortious. Nor was the friendly act of towing the vessel to Habana a tortious act against the United States, especially as the vessel was without a crew, except her master.

As the Spanish court clearly had jurisdiction to determine the question of possession, such decision can not be held a tort, even though possession was restored to the captor. Had Spain permitted the captor to resume possession of the vessel and sail her out of the port of Habana without judicial determination such act would have been a violation of her treaty obligations with the United States to protect American vessels in Spanish waters, and a claim might then have arisen against Spain as a *jointfeasor* with France.

The *Two Cousins* having been captured by the French privateer in the open sea, the decision to restore the vessel to the captor was strictly within the rules of international law, as abandonment of a captured vessel can only take place by the voluntary act of the captor and without cause. Hence the forced abandonment of a vessel, as in the present case, can not be regarded as a desertion thereof by the captor, nor would a belligerent captor under such circumstances be deprived by a neutral of any rights they might have acquired by virtue of the capture. (*The Mary, Thomas, supra.*) In other words, in the language of the court in the case of *McDonough* v. *Dannery* (3 Dall., 188, 198), "In determining the question of property, we think that immediately on the capture the captors acquired such a right as no neutral nation could justly impugn or destroy; and, consequently, we can not say that the abandonment of the *Mary Ford*, under the circumstances of this case, revived and restored the interest of the original *British* proprietors."

We think the same rule may be applied in the present case; France, through her privateer, having made the capture, the captor had plenary dominion over the captured property, and that right could not be diminished by the subsequent forcible abandonment, even though the act of Spain be deemed a capture. (*The Mary, Thomas, supra*, 1 C. Rob., 135, 189; *The Cosmopolite*, 3 C. Rob., 333.)

If the captor had abandoned the prize, Spain, when her vessel of war took possession, would have been entitled to salvage (*McDonough* v. *Dannery, supra*), but Spain did not regard the vessel as a deserted one. On the contrary, the Spanish court held that the captor had not abandoned the vessel and was therefore entitled to possession. If the action of the Spanish vessel had been wrongful as against the *Two Cousins*, the master of the latter would have been entitled not only to restitution but to damages under the authorities heretofore cited, but no such claim was made. On the contrary, each party was required to pay the costs he had made and to share equally the costs made in common.

The capture of the vessel by the French privateer being illegal was a tort, and the forcible abandonment of the vessel can not be taken advantage of by France as a defense on the theory of the primary liability of Spain, who forced the abandonment, as the captor not only denied the abandonment but persisted in claiming the vessel by procuring her condemnation in French territory and then relying upon that decree to secure both from the Spanish authorities and the master of the *Two Cousins* the release of the vessel. It is therefore clear that France could not set up by way of defense that because Spain is liable therefore France is exonerated.

Nor can it be said that the facts of this case render Spain liable at all, unless she has made herself liable by subsequent treaties, and as to that let us examine.

By the treaty of August 11, 1802 (8 Stat. L., 198), a board of commissioners was provided for to receive all claims by the subjects and citizens of the respective nations claiming "compensation for the losses, damages, or injuries sustained by them in consequence of the excesses committed by Spanish subjects on American citizens."

That treaty was followed by the one of February 22, 1819 (8 Stat. L., 252), by which Florida was ceded to the United States in consideration of $5,000,000, to be applied by the United States in exonerating Spain from all demands in future on account of the claims of their citizens to which the renunciations contained in the treaty extend, and by the ninth article of said treaty the respective parties renounced "all claims for damages or injuries which they themselves, as well as their respective citizens and subjects, may have suffered until the time of signing the treaty."

On behalf of the United States it was provided therein that the renunciations should extend—

"1. To all the injuries mentioned in the convention of *August 11, 1802*, heretofore referred to.

"2. To all claims on account of prizes made by French privateers and condemned by French consuls within the territory and jurisdiction of Spain.

"3. To all claims of indemnities on account of the suspension of the right of deposit at New Orleans in 1802.

"4. To all claims of citizens of the United States upon the Government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies.

"5. To all claims of citizens of the United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State, or to the minister of the United States in Spain, since the date of the convention of 1802 and until the signature of this treaty."

No "losses, damages, or injuries" were sustained by the claimants herein by reason of excesses committed by Spanish subjects under the treaty of 1802.

Nor did the claim herein arise under the second or third class mentioned in the treaty of 1819, or under the fourth class, as the forcible dispossession of the captor, followed by towing the *Two Cousins* into Habana, was not a wrongful seizure at sea. The claim does not fall within the fifth class, as it is not shown that the claim was presented to the State Department, as therein provided, as a claim against Spain, prior to the signing of the treaty of 1819.

But the defendants contend that because the claim was presented to the commissioners appointed under the treaty of 1819, therefore the claimants elected to look to Spain and by that act released France.

The claim herein was not a claim against Spain either separately or jointly, and therefore did not fall within the class of claims renounced by the United States. Hence its presentation to the commissioners under the treaty of 1819 did not operate as an election, as an election in such a case presupposes a joint liability. France was alone liable for the illegal capture and condemnation, and continued to pe

in her wrongful act, and therefore the filing of the claim before the commissioners under the treaty of 1819 and its disallowance because of insufficient testimony can not avail as a defense to France, and therefore not to the United States.

Where one has inconsistent rights or remedies of which he may avail himself, a choice of one is held an election not to pursue the other, but that rule does not apply to coexisting and consistent remedies. (*F. C. Austin Mfg. Co.* v. *Decker*, 80 N. Y., 8; *N. Y. Land Improvement Co.* v. *Chapman*, 118 N. Y., 288.)

But here the question is not one of inconsistent remedies or rights against the same party, but whether two nations are liable as joint tort feasors for unlawful captures of American vessels or whether Spain is liable separately for the loss of the *Two Cousins* and her cargo by reason of excesses committed by Spanish subjects on American citizens. As Spain is not shown to have aided France in any unlawful way, she can not be charged with joint liability therewith, and as the act of Spain was not unlawful as against the United States no separate liability arose against her in favor of the claimants; and hence the filing of a claim against Spain under the treaty of 1819 under the circumstances of this case did not operate as an election releasing France.

In the case of the *Reliance* (37 C. Cls. R., 262), where the vessel was seized in Swedish waters and carried into a Swedish port, and while there condemned by a French court sitting in French territory, the court held, on the motion for a new trial (41 C. Cls. R., 67), that the United States had the right to present the claim either to Sweden, who owed protection to the American vessel, or to France, who seized the vessel; and, further, that the owners had the right to ask their Government to prosecute the claim against either one or the other offending parties; and, having filed the claim in the State Department requesting the United States to ask satisfaction from the Swedish Government, it was an election, so far as the owners of the vessel could make it, to hold the Swedish Government; and that being true, it was not one of the claims relinquished by France in consideration of the relinquishment of France of her claims against the United States.

In that case the seizure was in Swedish waters, and therefore Sweden by not protecting the vessel violated her treaty with the United States, which rendered her a tortfeasor with France, if not primarily liable, and hence the owners by electing to look to Sweden, it was held, thereby relinquished their claims against France.

In the present case, as the claim was never one against Spain, either separately or jointly, but arose by reason of the illegal capture and condemnation by France, it was one of the claims released by the second article of the treaty of 1800 in consideration of the release by France of certain claims of her citizens against the United States.

Spain being a neutral, her wrong was against France, which she judicially recognized by decreeing possession of the vessel to the captor. That is to say, the *status quo* of the captured vessel was restored to the captor, and no damages were claimed by the master of the *Two Cousins* against Spain for her acts.

Even if the master of the privateer had directed the prize master to take the captured vessel into a Spanish port, it would not have been an illegal act (*The Hiram*, 41 C. Cls. R., 12). If not, and while there a controversy had arisen as to who was entitled to the possession of the captured vessel, the courts of Spain would have been open to adjudicate that question. Nor would Spain have rendered herself liable by permitting the sale of an American vessel under a decree of a prize court sitting in French territory (*Ship Star*, 35 C. Cls., 387).

Respecting the insurance on the vessel effected subsequent to the capture, the court in the case of the schooner *John Eason* (37 C. Cls. R., 443) held that where the captured vessel had been insured after its condemnation, the premium therefor was not a charge against France, as the liability of France was limited to the value of the property at the time of the illegal seizure or condemnation. In that case the insurance was effected after the condemnation, while in the present case the insurance was effected before the condemnation but after the illegal seizure, and we think the same principle applies, as the liability of France could not be augmented subsequent to the illegal seizure, though the insurance between the parties was valid.

The court's conclusions are that the claimants are entitled to the allowance set forth in the findings, which findings, together with this opinion, will be certified to Congress.

BY THE COURT.

Filed May 13, 1907.
A true copy.
Test this 31st day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 440.

FINDINGS IN CASE OF ABRAHAM GREESON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ABRAHAM GREESON AGAINST THE UNITED STATES.

JANUARY 6, 1908—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 20, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 3335. Abraham Greeson *v.* The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Abraham Greeson, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

By THE COURT.

Filed February 4, 1907.

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives of the 30th day of March, 1888.

On a preliminary inquiry the court, on the 4th day of February, 1907, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 1st day of May, 1907.

Moyers & Consaul appeared for claimant, and the Attorney-General, by George E. Boren, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant, in his petition, makes the following allegations:

That he is a citizen of the United States and a resident of the county of Gordon, State of Georgia; that during the late civil war he was a citizen of the United States and a resident of said county and State; that during said war the United States military forces, under proper authority, took from him and converted to the use of the United States Army quartermaster stores and commissary supplies, as follows, to wit:

Taken from farm of claimant, near Resaca, Ga., by troops under command of General Sherman, in spring of 1864:	
1 young stallion	$300.00
100 bushels of corn, at $1.50 per bushel	150.00
500 pounds bacon, at 30 cents per pound	150.00
Hay and fodder	10.00
Taken by same command in fall of 1864:	
200 bushels corn, at $1.50 per bushel	300.00
Total	910.00

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

There was taken from the claimant in Gordon county, State of Georgia, during the late civil war by the military forces of the United States for the use of the army, property of the kind and character above described, which at the time and place of taking was reasonably worth the sum of four hundred and five dollars ($405).

No payment appears to have been made for any part thereof.

BY THE COURT.

Filed May 6, 1907.
A true copy.
Test this 20th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 441.

FINDINGS IN CASE OF ALEXANDER M. OWEN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ALEXANDER M. OWEN AGAINST THE UNITED STATES.

JANUARY 6, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 20, 1907.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 9767. Alexander M. Owen *v.* The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Alexander M. Owen, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed May 23, 1907.

[Court of Claims. Congressional, No. 9767. Alexander M. Owen *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives, on the 19th day of April, 1898.

On the preliminary inquiry the court, on the 23d day of May, 1904, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 22d day of October, 1907.

Moyers & Consaul, Esx., appeared for claimant, and the Attorney-General, by S. S. Ashlaugh, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States and is now a resident of the county of Johnson, State of Texas; that during the late civil war petitioner was a citizen of the United States, residing in the county of Tipton, State of Tennessee; that during said war the United States military forces, under proper authority, took from petitioner and converted to the use of the United States Army quartermaster stores of the kinds and values below stated, to wit:

Taken in April, 1863, by soldiers under command of General Lawler:	
2 sorrel horses, at $200 each	$400.00
1 bay horse	150.00
Taken in December, 1863, by Captain Templeton from Fort Pillow:	
1 bay horse	150.00
Total	700.00

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the army, took from the claimant in Tipton County, State of Tennessee, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of four hundred and forty dollars ($440).

No payment appears to have been made therefor.

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 20th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 442.

FINDINGS IN CASE OF LOUISA C. SMITH, ADMINISTRATRIX OF ENOS CASE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF LOUISA C. SMITH, ADMINISTRATRIX OF ENOS CASE, DECEASED, AGAINST THE UNITED STATES.

JANUARY 6, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 28, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional No. 9152. Estate of Enos Case, deceased, *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Enos Case, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed December 9, 1901.

[Court of Claims. Congressional, No. 9152. Louise C. Smith, Administratrix of estate of Enos Case, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 11th day of July, 1892.

On a preliminary inquiry the court, on the 9th day of December, 1901, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 21st day of October, 1907.

Moyers & Consaul appeared for claimant, and the Attorney-General, by S. S. Ashbaugh, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in her petition makes the following allegations:

That she is a citizen of the United States, and is the duly appointed, qualified, and acting administratrix of the estate of Enos Case, deceased, of Greene County, N. C.; that during the late civil war the military forces of the United States, by proper authority, for the use of the Army, took property belonging to her decedent of the kinds and values described below:

Taken in or about March, 1865, by General Sherman's command:

1 horse	$200.00
1 buggy and harness	125.00
Fowls	6.25
Total	331.25

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from the claimant's decedent in Greene County, N. C., one horse of the reasonable value at the time and place of taking of one hundred and twenty dollars ($120), for which no payment appears to have been made.

The other items alleged in the petition are abandoned by claimant. Hence no allowance is made for them.

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 19th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 443.

FINDINGS IN CASE OF T. A. NORRIS, ADMINISTRATOR OF N. M. ALDRIDGE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF T. A. NORRIS, ADMINISTRATOR OF ESTATE OF N. M. ALDRIDGE, AGAINST THE UNITED STATES.

JANUARY 6, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 28, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 9385. N. M. Aldridge *v.* The United States.]

This case being a claim for supplies and stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that N. M. Aldridge, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed February 9, 1904.

[Court of Claims. Congressional, No. 9385. T. A. Norris, administrator of estate of N. A. Aldridge, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores, alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 24th day of April, 1896.

On a preliminary inquiry, the court, on the 9th day of February, 1904, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 8th day of April, 1907.

Moyers & Consaul appeared for claimant, and the Attorney-General, by Philip M. Ashford, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in the county of Tishomingo, State of Mississippi; that he is the duly appointed, qualified, and acting administrator of estate of N. M. Aldridge, deceased, late of said county and State.

That during the late civil war said N. M. Aldridge was a citizen of the United States, residing in said county and State; that during said war the United States military forces, under proper authority, took from said decedent and converted to the use of the Army quartermaster stores and commissary supplies of the kinds and values below stated, to wit:

7,500 pounds pork, at 10 cents per pound	$750
22 sheep, at $2.50 each	55
280 bushels corn, at $1 per bushel	280
1 mule	200
1 mare	150
Total	1,445

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. During the late civil war there were taken from the petitioner's decedent, N. M. Aldridge, by United States military forces, under proper authority, for use of the Army, quartermaster stores and commissary supplies of the kinds mentioned in the petition, which at the time and place of taking were reasonably worth the sum of nine hundred and eighty dollars ($980).

No payment appears to have been made for said property or any part thereof.

BY THE COURT.

Filed April 22, 1907.

A true copy.
Test this 19th day of December, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 462.

FINDINGS IN CASE OF SCHOONER HERO.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER HERO, CONVERS LILLY, MASTER.

JANUARY 8, 1908.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., January 7, 1908.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Hero*, Convers Lilly, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Hero*, Convers Lilly, master.]

No. of case.	Claimant.
1625.	Nathan Matthews, administrator of Daniel Sargent, *v.* The United States.
2981.	Walter L. Hall, administrator of Samuel Davis, *v.* The United States.
	Ann W. Davis, administratrix of Jonathan Davis, *v.* The United States.
3331.	Nathan Matthews, administrator of Daniel Sargent, *v.* The United States.
	Daniel W. Waldron, administrator of Jacob Sheafe, *v.* The United States.
3541.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	William G. Perry, administrator of Nicholas Gilman, *v.* The United States.
	Elisha Whitney, administrator of Thomas Stevens, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
	William Ropes Trask, administrator of Thomas Amory, *v.* The United States.
	Henry B. Cabot, administrator of Daniel D. Rogers, *v.* The United States.
	James G. Davis, administrator of Cornelius Durant, *v.* The United States.
	H. Burr Crandall, administrator of Thomas Cushing, *v.* The United States.
	Edward I. Browne, administrator of Israel Thorndike, *v.* The United States.
	A. Lawrence Lowell, administrator of Tuthill Hubbart, *v.* T United States.
	George G. King, administrator of James Scott, *v.* The United .

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 12th day of November, 1907.

The claimants were represented by William T. S. Curtis, Theodore J. Pickett, and Charles W. Clagett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General J. A. Van Orsdel.

FINDINGS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Hero*, whereof Convers Lilly was then master, sailed on a commercial voyage December 9, 1799, from Bath, bound to Demarara, where she duly arrived and sailed thence March 4, 1800, bound for Martinique. While peacefully pursuing her said voyage and in sight of Martinique on the 9th day of the said month of March she was seized by the French privateer *Favorite*, Captain Landro, and carried to Port Liberty, Guadaloupe. On arrival at Port Liberty the prize master plundered the vessel of her furniture and stores, and the owners of the privateer robbed the said Convers Lilly of $272 in cash out of his chest. While under interrogatories the said Convers Lilly requested that he be informed where he could find a notary public in order that he might make protest, whereupon he was informed by the justice of the peace who was conducting the examination that that was more than he would be allowed to do, that nothing was being done but what was sanctioned by the Government. The next morning the said Convers Lilly was more effectually deprived of doing anything even if permitted, as every farthing of money was taken from him.

Thereafter, to wit, March 20, 1800, the said vessel and cargo were condemned as good prize and ordered sold for the benefit of the captors by decree of the tribunal of commerce sitting at Basseterre, in the said island, whereby the same became a total loss to the owners thereof.

The grounds of condemnation as stated in the decree were as follows:

That the affidavit at the bottom of the sea letter of the said vessel was not in good form.

That the vessel had contravened her passport in that it does not appear that she went to Surinam, the port for which she sailed.

That there was neither invoice nor bill of lading relative to goods which were a part of the cargo.

That the vessel had come from Demarara, a colony occupied by the English, and that she had a cargo of sugar, coffee, and provisions as shown by her manifest from the custom-house of said place.

That the vessel had no rôle d'équipage.

II. The *Hero* was a duly registered vessel of the United States of 130$\frac{1}{95}$ tons burthen, built at Bath, Mass. (now Maine), in the year 1796, and owned solely by Samuel Davis and Jonathan Davis, citizens of the United States.

III. The cargo of the *Hero* at the time of the seizure consisted of coffee, sugar, firewood, pork, beef, and osnaburgs, but the neutrality and ownership of the same is not shown by competent evidence.

IV. The losses to the said Samuel Davis and Jonathan Davis by reason of the seizure and condemnation of the *Hero*, as aforesaid, were as follows:

Value of the vessel	$5,200.00
Freight earnings	2,167.00
Premium of insurance paid on vessel	350.00
Amounting in all to	7,717.00
Deduct insurance received	2,000.00
Net loss	5,717.00
Loss of Samuel Davis, one-half	2,858.50
Loss of Jonathan Davis, one-half	2,858.50

V. December 21, 1799, Samuel and Jonathan Davis effected insurance in the office of Joseph Taylor in the sum of $2,000 on the vessel, paying therefor a premium of 17½ per cent, said policy being underwritten by the following persons, all of whom were citizens of the United States, each in the sum set opposite his name:

Nicholas Gilman	$250	Daniel Sargent	$125
Jacob Sheafe	125	Daniel D. Rogers	125
John and Thomas Stevens	150	Cornelius Durant	250
Leech & Hilton	75	Thomas Cushing	100
John C. Jones	150	Israel Thorndike	125
Thomas Amory	250	Tuthill Hubbart	150
James Scott	125		

Thereafter Joseph Taylor, as agent, duly paid the said insured the sum of $2,000, being in full for a total loss by reason of the premises, the same being a total loss to each of said underwriters of the amount so stated to have been underwritten by them, respectively.

There was also included in the above policy an insurance on the cargo, but the neutrality and ownership of said cargo not being shown no recovery can be had for the insurance effected thereon.

VI. The defendants have filed a counterclaim, alleging that the original claimant, Thomas Cushing, was indebted to the United States in the sum of $7,301.94 upon certain unpaid custom-house bonds. It does not appear what amount, if any, of such indebtedness was paid. This indebtedness being greater than the amount of his loss herein, his administrator is entitled to no recovery.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the *Hero*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France, allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants in their representative capacity are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation of the vessel were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800, that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Walter L. Hall, administrator of Samuel Davis, two thousand eight hundred and fifty-eight dollars and fifty cents	$2,858.50
Ann W. Davis, administratrix of Jonathan Davis, two thousand eight hundred and fifty-eight dollars and fifty cents	2,858.50
William G. Perry, administrator of Nicholas Gilman, two hundred and fifty dollars	250.00
Daniel W. Waldron, administrator of Jacob Sheafe, one hundred and twenty-five dollars	125.00
Elisha Whitney, administrator of Thomas Stevens, for and on behalf of the firm of John & Thomas Stevens, one hundred and fifty dollars	150.00
Thomas H. Perkins, administrator of John C. Jones, one hundred and fifty dollars	150.00
William Ropes Trask, administrator of Thomas Amory, two hundred and fifty dollars	250.00
George G. King, administrator of James Scott, one hundred and twenty-five dollars	125.00
Nathan Matthews, administrator of Daniel Sargent, one hundred and twenty-five dollars	

Henry B. Cabot, administrator of Daniel D. Rogers, one hundred and twenty-five dollars	$125.00
James C. Davis, administrator of Cornelius Durant, two hundred and fifty dollars	250.00
Edward I. Browne, administrator of Israel Thorndike, one hundred and twenty-five dollars	125.00
A. Lawrence Lowell, administrator of Tuthill Hubbart, one hundred and fifty dollars	150.00
Amounting in all to seven thousand five hundred and forty-two dollars	7,542.00

No person claiming to represent Leech & Hilton has appeared herein.

By reason of the counterclaim against Thomas Cushing, hereinbefore mentioned, no award is made to his estate.

By the Court.

Filed December 2, 1907.
A true copy.
Test this 7th day of January, 1908.
[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 472.

FINDINGS IN CASE OF SCHOONER FORTUNE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER FORTUNE, WILLIAM HUBBARD, MASTER.

JANUARY 10, 1908.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., January 9, 1908.

SIR: Pursuant to the order of the Court of Claims I transmit herewith the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the schooner *Fortune*, William Hubbard, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims of the United States. French spoliations. Act of January 20, 1885, 23 Stats. L., 283 vol. 1, Supplement to R. S., 2d ed., 471. Schooner *Fortune*, William Hubbard, master.]

No. of case.	Claimants.
38.	Edmund D. Codman, administrator of William Gray, *v.* The United States.
2333.	Mary W. Moody, administratrix of Daniel Wise, *v.* The United States.
2573.	John C. Lord, administrator of Tobias Lord, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were heard before the Court of Claims on the 13th day of November, 1907.

The claimants were represented by Charles W. Clagett, Edwin B. Smith, Wm. T. S. Curtis, and Theodore J. Pickett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, and Stanhope Henry, esqs., with whom was Assistant Attorney-General Josiah C. Van Orsdel.

FINDINGS OF FACT.

The court upon the evidence, after hearing the arguments and considering the same, determine the facts to be as follows:

I. The schooner *Fortune*, William Hubbard, master, sailed upon a commercial voyage from Kennebunk, in that part of Massachusetts since erected into the State of Maine, for a port in the West India Islands in the year 1799, prior to July 16, 1799.

Sometime prior to the 16th of July, 1799, said vessel was captured by the French privateer *La Legere*, Captain Pairandeau, carried into the port De la Liberte, and was by the tribunal of commerce and prizes established and sitting at Basseterre, Guadaloupe, condemned with her cargo.

The grounds of condemnation, as set forth in the decree, were that it appeared from a paper and from an examination that said schooner had no invoice or bill of lading, as the master had admitted in his interrogatory, so that it was impossible to know the true owner of said cargo, which is not sufficiently proven to be a neutral one, and that the captain had no list of the crew.

II. The *Fortune* was a registered vessel of the United States of 93 tons burden, but the ownership thereof is not shown save to the amount of $600 insurance effected thereon by Daniel Wise, a citizen of the United States.

III. There was a cargo on board the *Fortune* at the time of capture, but the quantity, quality, and ownership thereof is not shown.

IV. The losses to the owners of the *Fortune* and her cargo, so far as appears by the evidence, are as follows:

Value of vessel, to amount insured	$600.00
Premium of insurance paid	108.00
Amounting in all to	708.00
Deduct insurance received	600.00
Net loss	108.00

V. On May 30, 1799, Daniel Wise obtained from William Gray insurance upon the vessel in the sum of $600 at a premium of 18 per cent. On the 2d of September, 1799, said William Gray paid to said Daniel Wise the sum of $600 in full for a total loss upon said policy.

The claimants have produced letters of administration on the estates of the parties for whom they appear and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the schooner *Fortune*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that the seizure and condemnation of said vessel was illegal, but that the ownership of said vessel is not established by sufficient evidence, except in Daniel Wise to the amount of insurance paid thereon; that the condemnation of the cargo of said vessel was not illegal, no proof of the neutrality of said cargo having been produced before the prize court, and that the claimants are entitled to the following sums from the United States:

Mary W. Moody, administratrix of Daniel Wise, one hundred and eight dollars	$108.00
Edmund D. Codman, administrator of William Gray, six hundred dollars	600.00
Amounting in all to seven hundred and eight dollars	708.00

John C. Lord, administrator of Tobias Lord, has proved no valid claim.

BY THE COURT.

Filed December 2, 1907.
A true copy.
Test this 9th day of January, A. D. 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 488.

FINDINGS IN CASE OF JOSEPH H. BEAN, ADMINISTRATOR OF JOSEPH BEAN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOSEPH H. BEAN, ADMINISTRATOR OF JOSEPH BEAN, DECEASED, AGAINST THE UNITED STATES.

JANUARY 13, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 11, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 8339. Joseph Bean *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Joseph Bean, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed December 19, 1904.

[Court of Claims. Congressional Case No. 8339. Joseph N. Bean, administrator of estate of Joseph Bean, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 2d day of March, 1891.

On the preliminary inquiry the court, on the 10th day of December, 1906, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 19th day of February, 1907.

Moyers & Conaud appeared for claimant, and the Attorney-General, by Malcolm A. Giles, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States and a resident of the county of Nevada, State of Arkansas; that he is the duly appointed, qualified, and acting administrator of the estate of Joseph Bean, deceased, late of said county and State.

That during the late civil war said decedent was a citizen of the United States, residing in said county of Nevada, State of Arkansas; that during said war the United States military forces, under proper authority, took from said decedent and converted to the use of the United States Army, quartermaster stores and commissary supplies of the kinds and values below stated, to wit:

Taken from farm of decedent in Nevada County, Ark., by troops under command of General Thayer, of General Steele's army, in April, 1864:

5 horses, at $135 each	$675.00
25 hogs, 160 pounds each, 12½ cents per pound	500.00
1,150 pounds of flour (5¾ barrels), at $12 per barrel	69.00
18 bushels of wheat, at $1.50 per bushel	27.00
2,200 pounds of bacon, at 18 cents per pound	396.00
25 gallons of molasses, at 90 cents per gallon	22.50
1,500 bundles of fodder, at 2 cents each	30.00
Total	1,719.50

The court, upon the evidence and after considering the briefs and arguments of counsel upon both sides, makes the following

FINDINGS OF FACT.

There was taken from the claimant's decedent in Nevada County, State of Arkansas, by the military forces of the United States, during the late civil war, for the use of the Army, property as above described, which at the time and place of taking was reasonably worth the sum of six hundred and forty-eight dollars ($648).

No payment appears to have been made therefor.

BY THE COURT.

Filed February 25, 1907.

A true copy.
Test this 7th day of January, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 489.

FINDINGS IN CASE OF NANNIE, OSCAR W., JOHN R., AND EMMA COGSWELL, HEIRS OF O. H. COGSWELL.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF MRS. NANNIE COGSWELL, OSCAR W. COGSWELL, JOHN R. COGSWELL, AND EMMA COGSWELL, HEIRS OF O. H. COGSWELL, DECEASED, AGAINST THE UNITED STATES.

JANUARY 13, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 11, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional case No. 11237. Mrs. Nannie Cogswell, Oscar W. Cogswell, John R. Cogswell, and Emma Cogswell, heirs of O. H. Cogswell, deceased, *v.* the United States.]

STATEMENT OF CASE.

On January 6, 1903, House bill No. 16417 was introduced in the House of Representatives, which said bill reads as follows:

A BILL For the relief of the heirs of O. H. Cogswell."

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of O. H. Cogswell, deceased, the sum of five thousand dollars, out of any money in the Treasury not otherwise appropriated, in full satisfaction for goods and merchandise of said O. H. Cogswell, taken at Independence, Missouri, in August, eighteen hundred and sixty-two, for the use of the Sixteenth Regiment Kansas Infantry,

in the service of the United States, under command of Lieutenant-Colonel John S. Burris."

On February 20, 1903, said bill was referred to this court by resolution of the House of Representatives for findings of fact, in accordance with the provisions of section 14 of the act approved March 3, 1887.

The case was brought to a hearing upon loyalty and merits on the 19th day of February, 1907.

Moyers & Consaul appeared for claimant, and the Attorney-General, by A. C. Campbell, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimants in their petition make the following allegations:

That they are citizens of the United States and residents of the city of Independence, county of Jackson, State of Missouri; that said Nannie B. Cogswell is the widow of O. H. Cogswell, deceased; that Oscar W. Cogswell, John R. Cogswell, and Emma Cogswell are the only children of said O. H. Cogswell, deceased; petitioners being the only heirs of said decedent; that during the late civil war said O. H. Cogswell was a citizen of the United States, residing in the county of Jackson, State of Missouri; that during said war there were taken from said decedent, by United States military forces, under proper authority quartermaster stores and commissary supplies of the value of not less than $5,000, as follows, to wit:

Taken in August, 1862, by troops under command of Lieut. Col. John T. Burris, Tenth Kansas Mounted Infantry, at Independence, Jackson County, Mo., clothing, boots, shoes, hats, carpets, dry goods, and groceries $5,000

That said decedent received a voucher for said goods and placed the same in the hands of an attorney for the purpose of filing a claim against the Government; that said papers were lost by said attorney and that decedent made no claim thereafter by reason of the loss of said voucher.

The court, upon the evidence and after considering the briefs and arguments of counsel upon both sides, makes the following

FINDINGS OF FACT.

I. It appears that claimants decedent, O. H. Cogswell, was throughout the late civil war a resident of the county of Jackson, State of Missouri, and that he remained loyal to the United States Government throughout said war.

II. During said war, to wit, in August, 1862, a command of United States troops, under command of Col. John T. Burris, Tenth Kansas Mounted Infantry, entered the town of Independence, Mo., and remained there about twenty four hours. While camped at that place said troops entered the store of claimants' decedent and took and carried away and appropriated to the use of said troops various goods belonging to said O. H. Cogswell, and consisting of boots, shoes, clothing, hats, groceries, carpets, which were cut up and used as saddle blankets, and other merchandise of the value of sixteen hundred dollars ($1,600) at the time and place of taking.

III. It appears from the evidence that the claimant, Mrs. Nannie Cogswell, is the widow of said O. H. Cogswell, deceased, and that the claimants, Oscar W. Cogswell, John R. Cogswell, and Emma Cogswell, are the only children of said decedent, the petitioners being the heirs at law of said decedent.

IV. The claim herein was never presented to any Department of the Government prior to its presentation to Congress and reference to this court under the provisions of the act of March 3, 1887, as hereinbefore mentioned, and no reason is given why such claim was not previously presented to some Department of the Government. The evidence tends to prove that the claimant did present a claim to the Quartermaster-General for other property than that embraced in the claim herein and that the same was allowed and paid.

BY THE COURT.

Filed February 25, 1907.
A true copy.
Test this 7th day of January, A. D. 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 512.

FINDINGS IN CASE OF J. H. DUKE, ADMINISTRATOR OF EDMUND F. DUKE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF J. H. DUKE, ADMINISTRATOR OF ESTATE OF EDMUND F. DUKE, DECEASED, AGAINST THE UNITED STATES.

JANUARY 16, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 15, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 9250. Estate of Edmund F. Duke, deceased, *v.* The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Edmund F. Duke, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed October 29, 1906.

[Court of Claims. Congressional, No. 9250. J. H. Duke, administrator of the estate of Edmund F. Duke, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 13th day of March, 1894.

On a preliminary inquiry the court, on the 29th day of October, 1906, found that the person alleged to have furnished the supplies or stores or from whom they were alleged to have been taken was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 9th day of December, 1907.

Moyers & Consaul appeared for claimant, and the Attorney-General, by George E. Boren, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in the county of Madison, State of Tennessee; that he is the duly appointed, qualified and acting administrator of the estate of Edmund F. Duke, deceased, late of the county of McNairy, State of Tennessee.

That during the late civil war said Edmund F. Duke was the owner of certain property in the county of Prairie, State of Arkansas, and that during said war there was taken from said decedent, for the use of the United States Army, quartermaster stores and commissary supplies of the kinds and values below stated, to wit:

Taken about November, 1863, from the farm of said decedent near Duvalls Bluff, Arkansas, by the One hundred and twenty-sixth Illinois Infantry:

2,500 bushels of corn, at $1 per bushel	$2,500
128 stacks of hay	1,280
158 head of beef cattle, at $20 each	3,160
18 head of horses and mules, at $150 each	2,700
28 head of pork hogs, at $10 each	280
21 head of goats, at $2 per head	42
300 bushels sweet potatoes	300
200 bushels Irish potatoes	200
Total	10,462

The court, upon the evidence and after considering the briefs and arguments of counsel upon both sides, makes the following

FINDINGS OF FACT

I. During the late civil war there was taken from claimant's decedent, Edmund F. Duke, by United States military forces, under proper authority, in the county of Prairie, State of Arkansas, quartermaster stores and commissary supplies of the kinds mentioned in the petition, which were then and there reasonably worth the sum of three thousand seven hundred and five dollars ($3,705), no part of which appears to have been paid.

BY THE COURT.

A true copy.
Test this 14th day of January, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 513.

FINDINGS IN CASE OF AMANDA M. LIVESAY, ADMINISTRATRIX OF JOHN W. LIVESAY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF AMANDA M. LIVESAY, ADMINISTRATRIX OF JOHN W. LIVESAY, DECEASED, AGAINST THE UNITED STATES.

JANUARY 17, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 16, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 10314. Amanda M. Livesay, administratrix of John W. Livesay, deceased, *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that John W. Livesay, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed December 19, 1904.

[Court of Claims. Congressional case No. 10314. Amanda M. Livesay, administratrix of John W Livesay, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 15th day of January, 1901.

On a preliminary inquiry the court, on the 19th day of December, 1901, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 7th day of January, 1908.

George A. & Wm. B. King appeared for claimant, and the Attorney-General, by A. C. Campbell, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in her petition makes the following allegations:

That the following property belonging to John W. Livesay was taken from him by the United States Army and used by the said Army, the date, place, and command being particularly stated below:

In Dent County, in the State of Missouri, on or about the dates and by the commands hereinafter set forth, to wit:

1. For rent of Barnon Hotel property from September 1, 1861, to September 1, 1868, by Major Bowen, Captain Ostemyer, and Captain Whybark, respectively, for use of cavalry horses of their commands, 24 months, at $15 per month	$360.00
2. For rent of hotel building by Captain Whybark, Company M, Fifth Missouri State Militia, for hospital and headquarters from September 1, 1863, to April 11, 1865, 19½ months, at $50	966.66
3. 1,600 shingles used in making roof of stables, $3 per thousand, December, 1861, by Bowen's battalion of cavalry	48.00
4. 6 doors, worth $3.50 each, and 6 windows, worth $1.50 each, by Colonel Bailey, Ninety-ninth Regiment Illinois; regiment put in houses used for hospitals in Salem	30.00
5. 7,542 feet of lumber, at $3 per hundred, used in making blockhouses, stockades, sheds for cavalry horses	226.26
6. 38 cords of wood used as fuel, at $2 per cord	76.00
Taken by Major Drake, Third Regiment Iowa Cavalry, October, 1862:	
7. 5,586 feet lumber taken in April, 1869, by Capt. P. Ostemyer, Company C, Fifth Missouri State Militia, used for making stables, blockhouses, bunks, etc., at $3 per hundred	167.58
Taken in 1863 by Capt. L. E. Whybark, Company M, Fifth Missouri State Militia:	
8. 10,129 feet lumber taken from barn and used in making sheds, stables, blockhouses, etc., at $3 per hundred	303.87
9. 27,000 shingles from barn used in making roofs, at $3 per thousand	81.00
10. 27 posts taken from barn, used in making houses, stables, worth 50 cents each	13.50
Taken by colonel Tenth Kansas Regiment Cavalry, November, 1863:	
11. 1,453 feet lumber from log house, $3 per hundred	43.59
12. 640 solid feet timber from log house, 10 cents per foot	64.00
13. 7,000 shingles from log house, worth $3 per thousand	21.00
14. 67 cords of wood used as fuel, at $2 per cord	134.00
Total	2,525.46

That the claim was presented to the Quartermaster-General, the items of said claim being as heretofore stated.

Said claim was not allowed by said tribunal, the ground for said action being that it was not considered that the claimant was loyal, and that the claim should be considered in the light of a claim for damages.

That the claim was presented to the Fifty-sixth Congress, and was by the House of Representatives of the said Fifty-sixth Congress referred to the Committee on War Claims of said House, by which committee it was on the 15th day of January, 1901, referred to this court for a finding of the facts in accordance with section 1 of an act approved

March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent, John W. Livesay, in Dent County, State of Missouri, propert yof the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of eight hundred and sixteen dollars ($816.00), no part of which appears to have been paid.

BY THE COURT.

Filed January 13, 1908.
A true copy.
Test this 16th day of January,
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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On a preliminary inquiry the court, on the 9th day of December, 1901, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 21st day of October, 1907.

Moyers & Consaul appeared for claimant, and the Attorney-General, by S. S. Ashbaugh, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in her petition makes the following allegations:

That she is a citizen of the United States, and is the duly appointed, qualified, and acting administratrix of the estate of Enos Case, deceased, of Greene County, N. C.; that during the late civil war the military forces of the United States, by proper authority, for the use of the Army, took property belonging to her decedent of the kinds and values described below:

Taken in or about March, 1865, by General Sherman's command:

1 horse	$200.00
1 buggy and harness	125.00
Fowls	6.25
Total	331.25

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from the claimant's decedent in Greene County, N. C., one horse of the reasonable value at the time and place of taking of one hundred and twenty dollars ($120), for which no payment appears to have been made.

The other items alleged in the petition are abandoned by claimant. Hence no allowance is made for them.

BY THE COURT.

Filed October 28, 1907.
A true copy.
Test this 19th day of December, 1907.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 443.

FINDINGS IN CASE OF T. A. NORRIS, ADMINISTRATOR OF N. M. ALDRIDGE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF T. A. NORRIS, ADMINISTRATOR OF ESTATE OF N. M. ALDRIDGE, AGAINST THE UNITED STATES.

JANUARY 6, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 28, 1907.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 9385. N. M. Aldridge *v.* The United States.]

This case being a claim for supplies and stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that N. M. Aldridge, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed February 9, 1904.

[Court of Claims. Congressional, No. 9385. T. A. Norris, administrator of estate of N. A. Aldridge, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores, alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 24th day of April, 1896.

On a preliminary inquiry, the court, on the 9th day of February, 1904, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 8th day of April, 1907.

Moyers & Consaul appeared for claimant, and the Attorney-General, by Philip M. Ashford, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in the county of Tishomingo, State of Mississippi; that he is the duly appointed, qualified, and acting administrator of estate of N. M. Aldridge, deceased, late of said county and State.

That during the late civil war said N. M. Aldridge was a citizen of the United States, residing in said county and State; that during said war the United States military forces, under proper authority, took from said decedent and converted to the use of the Army quartermaster stores and commissary supplies of the kinds and values below stated, to wit:

7,500 pounds pork, at 10 cents per pound	$750
22 sheep, at $2.50 each	55
280 bushels corn, at $1 per bushel	280
1 mule	200
1 mare	150
Total	1,445

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. During the late civil war there were taken from the petitioner's decedent, N. M. Aldridge, by United States military forces, under proper authority, for use of the Army, quartermaster stores and commissary supplies of the kinds mentioned in the petition, which at the time and place of taking were reasonably worth the sum of nine hundred and eighty dollars ($980).

No payment appears to have been made for said property or any part thereof.

BY THE COURT.

Filed April 22, 1907.

A true copy.

Test this 19th day of December, 1907.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 462.

FINDINGS IN CASE OF SCHOONER HERO.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER HERO, CONVERS LILLY, MASTER.

JANUARY 8, 1908.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., January 7, 1908.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Hero*, Convers Lilly, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel schooner *Hero*, Convers Lilly, master.]

No. of case.	Claimant.
1625.	Nathan Matthews, administrator of Daniel Sargent, *v.* The United States.
2981.	Walter L. Hall, administrator of Samuel Davis, *v.* The United States.
	Ann W. Davis, administratrix of Jonathan Davis, *v.* The United States.
3331.	Nathan Matthews, administrator of Daniel Sargent, *v.* The United States.
	Daniel W. Waldron, administrator of Jacob Sheafe, *v.* The United States.
3541.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	William G. Perry, administrator of Nicholas Gilman, *v.* The United States.
	Elisha Whitney, administrator of Thomas Stevens, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
	William Ropes Trask, administrator of Thomas Amory, *v.* The United States.
	Henry B. Cabot, administrator of Daniel D. Rogers, *v.* The United States.
	James G. Davis, administrator of Cornelius Durant, *v.* The United States.
	H. Burr Crandall, administrator of Thomas Cushing, *v.* The United States.
	Edward I. Browne, administrator of Israel Thorndike, *v.* The United States.
	A. Lawrence Lowell, administrator of Tuthill Hubbart, *v.* The United States.
	George G. King, administrator of James Scott, *v.* The United States.

CONCLUSIONS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

GENERAL FINDINGS RELATING TO THE VESSEL AND CARGO.

I. The brig *George*, Charles Taylor, master, sailed on or about June 12, 1800, from Cape Henry, Va., on a commercial voyage bound from Portsmouth or Norfolk, Va., to Martinico. While peacefully pursuing said voyage the *George* was seized on the high seas on or about the 6th day of July, 1800, by the French privateer *L'enfant-trouvé*, Capt. Thomas Gosset, and carried to Pointe-a-Pitre, Guadeloupe, and was, with her cargo, on the 11th day of July, 1800, condemned as good prize by the French tribunal of commerce and prizes, established in the said island of Guadeloupe, sitting at Basseterre, in said island, whereby the said vessel and cargo became a total loss to the owner.

The grounds of condemnation are set forth in the decree as follows:

"(1) That the form of oath which is at the foot of the sea letter of which the said master is bearer is not signed by the marine officers, as is prescribed by article 25 of the treaty of amity and commerce entered into between France and the United States, the 6th February, 1778, and that he has consequently contravened his passport.

"(2) That the rôle d'équipage of which the said master is bearer is not signed by any witness, but only certified on the back and not at the foot of the roll, which is contrary to the above-dated treaty."

II. The *George* was a duly registered vessel of the United States, of 128 tons, 59 feet, burthen; was built at Haverhill, Mass., in the year 1794, and was owned solely by George Taylor, a citizen of the United States and a resident of Alexandria, Va.

III. The cargo of the *George* consisted of tobacco, corn, staves, and shingles, as shown by the invoice and master's protest, and was owned by said George Taylor, owner of the vessel.

IV. The losses by reason of the capture and condemnation of the *George* were as follows:

The value of the vessel	$4,480.00
The freight earnings	2,132.00
The value of the cargo	3,347.57
Premium of insurance paid	765.00
Amounting in all to	10,724.57

V. No. 4364. George Taylor was the sole owner of the vessel and cargo. He admits that he insured vessel, freight earnings, and cargo in the office of the Marine Insurance Company of Alexandria, in the sum of $8,500 at a premium cost to him of $765.

Said Taylor also admits that thereafter said insurance company paid to him the sum of $8,500 as and for a total loss thereon.

His losses were as follows:

The value of the vessel	$4,480.00
The freight earnings	2,132.00
The value of the cargo	3,347.57
Premium of insurance paid	765.00
Amounting in all to	10,724.57
Less insurance received	8,500.00
Leaving net loss to George Taylor	2,224.57

VI. It is admitted that the Marine Insurance Company of Alexandria, a corporation duly incorporated under the laws of the State of Virginia, insured said George Taylor on the vessel, cargo, and freight earnings in the sum of $8,500, and afterwards paid him said amount as and for a total loss thereon as set forth in finding V. No other proof of insurance is shown.

The loss to said insurance company was as follows:

Amount of insurance paid George Taylor	$8,500.00
Less premium paid by George Taylor	765.00
Leaving net loss to said insurance company	7,735.00

VII. About July, 1831, said George Taylor, being unable to pay his debts in full, executed an assignment to the president, directors, and company of the Bank of the United States, a corporation chartered by act of Congress, approved the 10th day of April, 1816, his claims against the Government of the United States for French spoliations committed prior to the treaty of the 30th of September, 1800, a schedule of which was attached and included claims as underwriter. Said assignment was to the use of the several parties named, in payment and discharge of their respective demands against him, and in proportion thereto, as follows:

Bank of the United States	$5,870.05
Bank of Alexandria	900.00
Bank of Potomac, say	750.00
Indorser, N[athaniel] W[attles]	4,500.00
John Corse	350.00
Total	12,370.05

VIII. Subsequently, to wit, March 2, 1836, said Bank of the United States, chartered by act of Congress, as aforesaid, assigned and transferred, among other property, to the bank of the same name, chartered by an act of assembly of the Commonwealth of Pennsylvania, the said claim of said Bank of the United States, chartered by act of Congress, as aforesaid, against the said George Taylor and said spoliation claims of said Taylor, then held by said Bank of the United States, chartered by act of Congress, as collateral security for the said Taylor's debt, as aforesaid.

IX. Subsequently, to wit, May 1, 1841, said Bank of the United States, chartered by an act of assembly of the Commonwealth of Pennsylvania, as aforesaid, assigned and transferred, among other property, to James Dundas, Mordecai D. Louis (Lewis), Samuel W. Jones, Robert L. Pitfield, and Robert Howell the said claim of said Bank of the United States, chartered by act of Congress, against the said George Taylor and said spoliation claims of said George Taylor, then held by said Bank of the United States, chartered by act of Congress, as collateral security for the said Taylor's debt, as aforesaid.

X. Subsequently, to wit, August 29, 1846, said James Dundas, Mordecai D. Louis (Lewis), Samuel W. Jones, Robert L. Pitfield, and Robert Howell, by deed assigned and transferred to said William W. Corcoran said claim against said George Taylor for $5,870.05, together with said collateral security.

Although said claim against said George Taylor, and said claims of said George Taylor against the United States, before referred to, were assigned and transferred to said William W. Corcoran, in severalty, the consideration paid to the said James Dundas, Mordecai D. Louis (Lewis), Samuel W. Jones, Robert L. Pitfield, and Robert Howell for the assignments and transfers aforesaid was contributed equally by said Corcoran, Riggs, and Smith, under an agreement existing between them that the money or property transferred, by virtue of said assignments, should be divided equally between the said three persons, and all property thus far recovered under said assignments have been so divided.

XI. The claimants have produced letters of administration, respectively, for the estates on which they have severally been appointed and qualified, and have otherwise proved to the satisfaction of the court that the several parties on whose estates they are the administrators, respectively, were the same persons who suffered the aforesaid losses, respectively.

XII. Said claims were not embraced in the convention between the United States and the Republic of France, concluded on the 30th day of April, 1803, and were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain, concluded on the 22d day of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th day of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation of the vessel were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national

claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

The Marine Insurance Company of Alexandria	$7,735.00
William C. Hill, surviving executor of William W. Corcoran, assignee of George Taylor, one-third of $1,736.46	578.82
James M. Johnston, administrator de bonis non of George W. Riggs, assignee of George Taylor, one-third of $1,736.46	578.82
Robert S. Chew, administrator of Richard Smith, assignee of George Taylor, one-third of $1,736.46	578.82
Amounting in all to nine thousand four hundred and seventy-one dollars and forty-six cents	9,471.46

The amount stated as recoverable by Corcoran, Riggs, and Smith above, aggregating $1,736 46, is in the same proportion to $2,224.57 (amount of George Taylor's loss herein) as $5,870.05 (amount of assignment held by bank of the United States) bears to $7,520.05 (amount of assignments held operative).

The assignment of George Taylor, hereinbefore set forth in the conclusions of fact, to the extent of the debts of Nathaniel Wattles and John Corse, for which he had been personally liable as surety, and which assignment, to that extent, was made in lieu of his personal liability as such surety, can not, at this day, be carried out and must be held to have failed.

It would be inequitable, considering the circumstances of the case, to make any deduction on that account, and none is made.

No allowance herein is made to Julian T. Burke, administrator of George Taylor, as the assignment of the latter, beyond the part thereof regarding the debts of Nathaniel Wattles and John Corse, is held operative, applying to his own indebtedness, which has not yet been fully extinguished.

By the Court.

Filed April 30, 1907.
A true copy.
Test this 17th day of January, 1908.
[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 535.

FINDINGS IN CASE OF ROBERT E. WILLIAMS AND OTHER HEIRS OF ROBERT M. WILLIAMS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HEIRS OF ROBERT M. WILLIAMS, DECEASED, AGAINST THE UNITED STATES.

JANUARY 20, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 17, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12189. Robert E. Williams, John T. Williams, Mary F. Williams, George M. Williams, and Ida Williams-Eddy, heirs of the estate of Robert M. Williams, deceased, *v.* The United States.]

STATEMENT OF CASE.

This is a claim for property alleged to have been taken by the military forces of the United States for the use of the Army. The following bill was referred to the court by the House of Representatives, March 31, 1906, under the act of Congress approved March 3, 1887, known as the Tucker Act:

"[H. R. 4235, Fifty-eighth Congress, first session.]

"A BILL For the relief of the estate of Robert M. Williams, deceased.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Robert M. Williams deceased, the sum of two thousand one hundred and seventy-five dollars for property taken by the Union Army in eighteen hundred and sixty-two, in Cooper County, Missouri, out of any money in the Treasury not otherwise appropriated."

The claimants, Robert E. Williams, John T. Williams, Mary Frances Williams, and George M. Williams, and Mrs. Ida Williams-Eddy, only surviving heirs, appeared and filed their petition herein, June 26, 1906, in which they make the following allegations:

That decedent was always a loyal citizen of the United States, and lived during the civil war in Cooper County, Mo.

That in the year 1862 a cavalry troop of General Fremont's command, under charge of a lieutenant not known to claimants, came through that part of the country and took from decedent—

2 wagons, at $100 each	$200
2 large mules, at $200 each	400
3 fine mares, at $200 each	600
2 sets of harness, at $25 a set	50
1 fine double-barrel shotgun	75

and later the State militia took the balance of the stock—

3 head of horses, at $150 each	450
300 bushels of corn, at $1 a bushel	300
Total	2,175

for which no compensation has ever been received, either by decedent or any party in interest.

That the decedent died in 1875, in Dallas, Tex., intestate, and no administrator was appointed for his estate. Your petitioners did not know until recently of the passage of the Tucker Act, when they presented this claim in the Fifty-ninth Congress, first session.

The case was brought to a hearing on January 6, 1908. Ellen Spencer Mussey appeared for the claimants, and the Attorney-General by Clark McKercher, his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the arguments and briefs of counsel on each side, makes the following

FINDING OF FACT.

I. It appears from the evidence that Robert M. Williams, claimants' decedent, was loyal to the Government of the United States throughout the late civil war.

II. During said period the military forces of the United States, by proper authority, for the use of the Army, took from claimants' decedent in Cooper County, Mo., property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of one thousand one hundred and forty dollars, no part of which appears to have been paid.

III. The claim herein was never presented to any Department of the Government prior to its presentation to Congress and reference to this court by resolution of the United States House of Representatives as hereinbefore mentioned, and no reason is given why the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimants for not having resorted to any established legal remedy.

BY THE COURT.

Filed January 13, 1908.

A true copy.
Test this 17th day of January, A. D. 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 536.

FINDINGS IN CASE OF JULIA A. CRUSELLE, ADMINISTRATRIX OF WILLIAM H. RICE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JULIA A. CRUSELLE, ADMINISTRATRIX OF WILLIAM H. RICE, DECEASED, AGAINST THE UNITED STATES.

JANUARY 20, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 18, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of claims. Estate of William A. Rice, deceased, *v.* The United States. Congressional No. 12005.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that William H. Rice, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed October 28, 1907.

[Court of Claims. Congressional Case No. 12005. Julia A. Crusselle, administratrix of estate of William H. Rice, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 11th day of January, 1906.

On a preliminary inquiry the court, on the 28th day of October, 1907, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 6th day of January, 1908.

Brandenburg & Brandenburg, esqs., appeared for claimant, and the Attorney-General, by Clark McKercher, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in her petition makes the following allegations:

That said William H. Rice, now deceased, during the said war was a resident of Fulton County, State of Georgia, and was the owner and possessor in said county and State of certain quartermaster stores and commissary supplies, which in the fall of 1864 were seized and appropriated to the use of the military forces of the United States then stationed and operating in said locality, according to the following bill of items:

55 boxes fine tobacco, brand "Black Navy," weighing 105 pounds per box, 5,775 pounds, at $2 per pound	$11,550.00
1 Herrings iron safe	400.00
3 table counters, at $25 each	75.00
Fairbanks 3,000-pound scales	30.00
Counter scales and weights	12.00
19 boxes farina, or cornstarch, averaging 25 pounds per box, 475 pounds, at 25 cents	118.75
1 dwelling house, and building attached, and plank and picket fencing	2,000.00
Soap factory, 2 large kettles attached	800.00
Stock of flour, meal, bacon, and provision on hand in store	300.00
Total	15,285.75

The court, upon the evidence and after the consideration of briefs and after hearing the arguments of the respective counsel, makes the following

FINDING OF FACT.

There was taken from the claimant's decedent in Fulton County, State of Georgia, by the military forces of the United States during the late civil war, for the use of the Army, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of eight thousand one hundred and ninety dollars ($8,190).

No payment appears to have been made therefor.

BY THE COURT.

Filed January 13, 1908.

A true copy.
Test this 17th day of January, A. D. 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 537.

FINDINGS IN CASE OF CECILIA R. A. WHEAT, EXECUTRIX OF MOSES K. WHEAT.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF MRS. CECILIA R. A. WHEAT, EXECUTRIX OF MOSES K. WHEAT, DECEASED, AGAINST THE UNITED STATES.

JANUARY 20, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 20, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. C. R. A. Wheat, administratrix of Moses K. Wheat, deceased, *v.* The United States. Congressional, No. 4061.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Moses K. Wheat, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed February 25, 1907.

[Court of Claims, Congressional case No. 4061. Mrs. Cecilia R. A. Wheat, executrix of Moses K. Wheat, deceased, *v* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 20th day of April, 1888.

On a preliminary inquiry the court, on the 25th day of February, 1907, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 9th day of January, 1908. Moyers and Consaul appeared for claimant, and the Attorney-General, by Charles F. Kincheloe, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in her petition makes the following allegations:

That she is a citizen of the United States, residing in the county of Macon, State of Alabama; that she is the duly appointed, qualified, and acting executrix of the last will and testament of Moses K. Wheat, deceased, late of said county and State; that during the civil war the United States military forces, under proper authority, took from said decedent for use of the Army quartermaster stores and commissary supplies of the kinds and values below stated, to wit:

Taken about April 14, 15, and 16, 1865:

14 mules, at $155 each	$2,170.00
6 horses	950.00
3,000 bushels corn, at $1.50 per bushel	4,500.00
10 tons fodder, at $30 per ton	300.00
1,500 pounds bacon, at 20 cents per pound	300.00
Buggy and harness used for sick officer	125.00
6 barrels flour, at $12 per barrel	72.00
300 pounds lard	75.00
200 pounds sugar	40.00
100 yards osnaburgs	35.00
Total	8,567.00

The court, upon the evidence, and after considering the briefs and arguments of counsel upon both sides, makes the following

FINDING OF FACT.

During the late civil war the United States military forces, under proper authority, took from claimant's decedent, Moses K. Wheat, in the county of Macon, State of Alabama, for use of the Army, stores and supplies of kinds mentioned in the petition, which at the time and place of taking were reasonably worth the sum of four thousand eight hundred and ninety dollars ($4,890).

No payment appears to have been made for said property or any part thereof.

BY THE COURT.

Filed January 13, 1908.
A true copy.
Test this 18th day of January, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 538.

FINDINGS IN CASE OF JOHN WOOD.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN WOOD AGAINST THE UNITED STATES.

JANUARY 20, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 20, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. John Wood *v.* The United States. Congressional, No. 12761.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that John Wood, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed December 2, 1907.

[Court of Claims. Congressional case No. 12761. John Wood *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 12th day of February, 1907.

On a preliminary inquiry the court, on the 2d day of December, 1907, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 7th day of January, 1908.

Francis L. Neubeck, esq., appeared for claimant, and the Attorney-General, by Clark McKercher, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in McCracken County, State of Kentucky, being formerly a resident of Tishomingo County, State of Mississippi, where he resided during the late war of the rebellion until 1863 or 1864; that at different times during said period the United States forces, by proper authority, took from petitioner quartermaster stores and commissary supplies of the value of $1,400 and appropriated the same to the use of the United States Army, as follows:

Taken on or about May 20, 1862, by troops under General Buell:	
1 sorrel horse	$125
Taken on or about March 10, 1863, by troops under General Dodge:	
1 black horse	200
1 roan horse	150
1 claybank horse	150
2 mules	300
Taken on or about October 6, 1864, by troops under General Osterhaus:	
500 bushels of corn	375
Taken on or about October 12, 1863, by troops under General Wood, being part of General Buell's army:	
70 large trees, used to build Bear Creek Bridge	100
Total	1,400

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority for the use of the Army, took from claimant in Tishomingo County, State of Mississippi, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of eight hundred and eighty dollars ($880), no part of which appears to have been paid.

BY THE COURT.

Filed January 13, 1908.

A true copy.
Test this 18th day of January, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT 539.

FINDINGS IN CASE OF SLOOP ANNA CORBIN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SLOOP ANNA CORBIN, THOMAS JUSTICE, MASTER.

JANUARY 20, 1908.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., January 17, 1908.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Anna Corbin*, Thomas Justice, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French Spoliations. Act of January 20, 1885; 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel sloop *Anna Corbin*, master, Thomas Justice.]

No. of case.	Claimant.
2459.	John J. Wise, administrator of John Cropper *v.* The United States.
5131.	Henry G. White, administrator of Thomas Cropper, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 12th day of November, 1907. The claimants were represented by William T. S. Curtis, Theodore J. Pickett, and Charles W. Clagett, esqrs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was Assistant Attorney-General J. A. Van Orsdel.

FINDINGS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The sloop *Anna Corbin*, whereof Thomas Justice was then master, sailed on a commercial voyage from Folly Landing, State of Virginia, on the 11th day of February, 1798, bound for the island of Antigua, with a cargo of 2,500 bushels of corn, where she duly arrived and disposed of said cargo and sailed thence for St. Bartholomew, and thence for Folly Landing, in the State of Virginia.

While peacefully pursuing said voyage she was seized on the high seas March 24, 1798, by the French privateer *La Poule*, and both vessel and cargo condemned as good

prize April 19, 1798, by decree of the tribunal of prizes of Guadaloupe, whereby the same became a total loss to the owners thereof. The ground of condemnation as stated in the decree was that the vessel had sailed on a false route.

II. The *Anna Corbin* was a duly registered vessel of the United States of 30 tons burthen, built in Virginia in the year 1794, and owned solely by John Cropper in the proportion of three-fourths and Thomas Cropper in the proportion of one-fourth.

III. The outward cargo of corn sold at Antigua was owned by John Cropper and Thomas Cropper, and an unknown quantity of rum was taken on board there. At St. Bartholomew the vessel took on board 9 hogsheads, 7 tierces, and 9 barrels of sugar, or 14,206 pounds, of the value of $2,130.90, and 3 bags of coffee, weighing 299 pounds, of the value of $44.85, being the sole property of said John Cropper.

IV. The loss to John Cropper by reason of said seizure was as follows, viz:

Three-fourths value of vessel	$750.00
Three-fourths freight earnings	375.00
Value of cargo as far as proved	2,175.75
Amounting in all to	3,300.75

The losses to Thomas Cropper by reason of said seizure were as follows, viz:

One-fourth value of vessel	$250.00
One-fourth freight earnings	125.00
Amounting in all to	375.00

Thomas Custis is not in court.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the sloop *Anna Corbin*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France, concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums rom the United States:

John J. Wise, administrator of John Cropper, three thousand three hundred dollars and seventy-five cents	$3,300.75
Henry G. White, administrator of Thomas Cropper, three hundred and seventy-five dollars	375.00
Amounting in all to three thousand six hundred and seventy-five dollars and seventy-five cents	3,675.75

BY THE COURT.

Filed December 2, 1907.

A true copy.
Test this 17th day of January, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 550.

FINDINGS IN CASE OF LEWID F. MARTIN, ADMINISTRATOR OF FRANCIS C. MARTIN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF LEWID F. MARTIN, EXECUTOR OF FRANCIS C. MARTIN, DECEASED, AGAINST THE UNITED STATES.

JANUARY 22, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 21, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 4852. Lewid F. Martin, executor of Francis C. Martin, deceased, *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Francis C. Martin, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed May 20, 1895.

[Court of Claims. Congressional case No. 4852. Lewid F. Martin, administrator of Francis C. Martin, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim of the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives, on the 10th day of July, 1888.

On a preliminary inquiry the court, on the 20th day of May, 1895, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 21st day of October, 1907.

Messrs. George A. & William B. King appeared for claimant, and the Attorney-General, by F. W. Collins, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

1. That he is the administrator of Francis C. Martin, deceased.

2. That the following property belonging to said deceased was taken from him by the United States Army, and used by the said Army, the date, place, and command being particularly stated below.

In Limestone County, in the State of Alabama, on or about the 1st of June, 1862:

1. 160 cords of wood	$480
2. 160 pounds of bacon	20
3. 40 bushels potatoes	30
4. 1 mule and 1 horse	300
5. 8,000 pounds of fodder	120
6. 50 barrels corn	250
7. 1,000 pounds of bacon	250
8. 150 barrels corn	750
9. 1,000 pounds of bacon	250
10. 12,000 pounds of fodder	180
11. 1 mule and 1 horse	260
12. 6,000 rails	180
	3,070

That a claim for said property was presented to the Southern Claims Commission, but was not allowed by said tribunal, the ground for said action being that it was considered that claimant was a bankrupt.

3. That the said claim has been presented to the Fiftieth Congress, and was by the House of Representatives of the said Fiftieth Congress referred to the Committee on War Claims of said House, by which committee it was on the 10th day of July, 1888, referred to this court for a finding of the facts in accordance with section 1 of an act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

The court, after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent in Limestone County, in the State of Alabama, property of the kind and character above mentioned, which at the time and place of taking was reasonably worth the sum of nine hundred and twenty-five dollars ($925).

No payment appears to have been made therefor.

BY THE COURT.

Filed October 28, 1907.

A true copy.

Test this 21st day of January, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 551.

FINDINGS IN CASE OF ANASTACIO DE BACA, ADMINISTRATOR OF FRANCISCO DE BACA.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ANASTACIO DE BACA, ADMINISTRATOR OF FRANCISCO DE BACA, DECEASED, AGAINST THE UNITED STATES.

JANUARY 22, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 22, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 10029. Anastacio de Baca, administrator of Francisco de Baca, deceased, *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Francisco de Baca, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed May 1, 1905.

[Court of Claims. Congressional case, No. 10029. Anastacio de Baca, surviving administrator of Francisco de Baca, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 13th day of February, 1900.

On a preliminary inquiry the court, on the 1st day of May, 1905, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 12th day of April, 1906.

George A. & William B. King, esqs., appeared for claimant, and the Attorney-General, by P. M. Ashford, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is the surviving administrator of decedent and that he was appointed March 3, 1875, by the probate court in and for Santa Ana County, Territory of New Mexico; that his decedent was during the civil war a resident of the Territory of New Mexico and did not give any aid or comfort to the said rebellion, but throughout that war was loyal to the Government of the United States.

That the following property belonging to his decedent was taken from him by the United States Army for its use, viz, troops under the command of Lieutenant Russell, in Santa Ana County, Territory of New Mexico, in July, 1862, namely:

1,500 sheep and 1 burro of the value of..... $3,025

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACTS.

I. During the civil war for the suppression of the rebellion and prior to June, 1862, the Navajo Indians took and drove away from the claimant's decedent in Santa Ana County, Territory of New Mexico, property of the character and kind described in the petition, a portion of which property being subsequently recaptured from said Indians and taken by the military forces of the United States and used for the benefit of the United States. The reasonable value of the property so recaptured at the time and place was thirteen hundred and twenty-five ($1,325), no part of which appears to have been paid.

II. A claim for this property was presented to the Commissary-General of Subsistence, but by him disallowed, because it was not considered that claimant's decedent was the owner of the property and that he was not loyal to the Government of the United States. The claim was later presented to the Fifty-sixth Congress and referred to this court February 13, 1900, as aforesaid.

By the Court.

December 2, 1907.

A true copy.

Test this 21st day of January, 1908.

[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 562.

CHARLES S. VON HOFEN, ADMINISTRATOR OF HENRY VON HOFEN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING THE FINDINGS FILED BY THE COURT IN THE CASE OF CHARLES S. VON HOFEN, ADMINISTRATOR OF THE ESTATE OF HENRY VON HOFEN, DECEASED, AGAINST THE UNITED STATES.

JANUARY 24, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 23, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, Nos. 3429 and 5832. Henry von Hofen *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Henry Van Hofen, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed November 8, 1897.

[Court of Claims. Congressional, Nos. 5832 and 3429, consolidated. Charles S. von Hofen, administrator of estate of Henry von Hofen, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case, for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 6th day of August, 1888.

On a preliminary inquiry the court, on the 8th day of November, 1897, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 6th day of January, 1908.

Moyers & Consaul appeared for claimant, and the Attorney-General, by Franklin W. Collins, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in the parish of Orleans, State of Louisiana; that he is the duly appointed, qualified, and acting administrator of the estate of Henry Von Hofen, deceased, late of said parish and State; that during the late civil war said Henry Von Hofen was a citizen of the United States, residing in the parish of Jefferson, in said State; that during said war the United States military forces, under proper authority, took from said Henry Von Hofen for use of the Army, quartermaster stores and commissary supplies, and took possession of the premises of said Henry Von Hofen, as follows, to-wit:

2,000 cabbages	$240
3,000 melons	360
2 acres onions	500
One-quarter acre parsley	50
900 bushels sweet potatoes	1,260
Corn and hay	150
Assorted plants	150
26 acres fencing	500
400 boxes	200
Rent of premises, 3 months, at $30 per month	90
Loss of time, 9 months	1,350
Total	4,850

The court, upon the evidence, and after considering the briefs and arguments of counsel upon both sides, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from the claimant, in the parish of Jefferson, State of Louisiana, property of the kind and character described in the petition which at the time and place of taking was reasonably worth the sum of nine hundred and ten dollars ($910), no part of which appears to have been paid.

The items of rent of premises and loss of time stated in the petition are abandoned by claimant.

BY THE COURT.

Filed January 13, 1908.
A true copy.
Test this 22d day of January, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 566.

A. J. BUERO, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF A. J. BUERO, ADMINISTRATOR OF THE ESTATE OF ANGELO BUERO, DECEASED, AGAINST THE UNITED STATES

JANUARY 27, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, January 24, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 4509, Angelo Buero v. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court on a preliminary inquiry finds that Angelo Buero, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed March 19, 1894.

[Court of Claims. Congressional case No. 4509. A. J. Buero, administrator of the estate of Angelo Buero, deceased. v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 4th day of May, 1888.

On a preliminary inquiry the court, on the 19th day of March, 1894, found that the person alleged to have furnished the supplies or stores, or from whom they were

alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 6th day of January, 1908. Francis L. Neubeck, esq., appeared for claimant, the Attorney-General, by Clark McKercher, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States and a resident of the county of Charleston, in the State of South Carolina; that he is the duly appointed, qualified, and acting administrator of the estate of Angelo Buero, deceased, by virtue of appointment of the probate court in and for the county of Charleston, State of South Carolina; that during the late civil war said decedent resided in said county and State.

That he has a claim against the United States for the use of a sloop named *Julia*, belonging to said decedent, from April 15, 1865, to June 15, 1865, a period of sixty-one days, at the rate of $7.50 per day, amounting to $457.50, also for damage to said sloop while so used by the United States authorities, amounting to $500, and for the loss of the use of said sloop, while undergoing repairs, for a period of twenty-five days, at the rate of $7.50 per day, amounting to $187.50, making a total of $1,145; that said sloop was so used under the direction and orders of Captain G. B. N. Tower, chief engineer of the Navy Department, at or near the city of Charleston, S. C., at the time aforesaid for the purpose of assisting in raising the steamer *Boston*, then sunk in the Ashley River.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, took possession of the sloop *Julia*, belonging to claimant's decedent and used the same for a period of about two months in raising the sunken steamboat *Boston* in Charleston Harbor, and damaged the same. The reasonable value of the use of said sloop, together with the injury thereto, was then and there the sum of seven hundred and twenty-five dollars ($725), no part of which appears to have been paid.

BY THE COURT.

Filed January 13, 1908.

A true copy.
Test this 24th day of January, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 567.

HELEN E. BOON, EXECUTRIX.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HELEN E. BOON, EXECUTRIX OF MAITLAND BOON, DECEASED, SURVIVING PARTNER OF ROBERT TILLSON & CO., AGAINST THE UNITED STATES.

JANUARY 27, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, January 24, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[In the Court of Claims. Congressional, No. 12251. Helen E. Boon, executrix of Maitland Boon, deceased, surviving partner of Robert Tillson & Co., v. The United States.]

STATEMENT OF CASE.

This is a claim for losses sustained arising out of nonpayment and delays in payment of certain moneys due under contracts for equipments and accouterments of troops during the war for the suppression of the rebellion.

On the 31st day of March, 1906, the House of Representatives referred to the court a bill in the following words:

"[H. R. 6978. Fifty-ninth Congress, first session.]

"A BILL For the relief of Robert Tillson & Co., a partnership composed of Robert Tillson and Maitland Boon.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Robert Tillson and Company, a partnership composed of Robert Tillson and Maitland Boon, late of Quincy, Illinois, out of any money in the Treasury not otherwise appropriated, thirty thousand dollars, being for losses sustained arising out of the nonpayment and long delay in payment of certain moneys due the firm of Robert Tillson and Company by the United States for seventeen thousand five hundred complete sets of horse equipments and twenty thousand complete sets of infantry accouterments, made and delivered by the firm of Robert Tillson and Company under contracts with the United States from September sixteenth, eighteen hundred and sixty-two, to June twenty-fourth, eighteen hundred and sixty-four."

The claimant appeared in this court on the 27th day of October, 1906, and filed a petition in which it is substantially averred that:

During the war for the suppression of the rebellion, Robert Tillson and Maitland Boon, composing the firm of Robert Tillson & Co., were residents of the State of Illinois, and were loyal to the Government of the United States.

That during said war the said firm of Robert Tillson & Co. entered into eight certain contracts with the United States Government for the furnishing of supplies and equipments for the use of the United States Army, and under these contracts, at various times between October 9, 1862, and October 24, 1864, delivered to the officers and agents of the said Government the supplies and equipments so contracted for to the amount of $494,972.66.

Although by the terms of said contracts payments were to be made to the contractors at the rates therein specified upon the delivery and acceptance of the said supplies and equipment, after due inspection and certificate thereof, the United States wholly failed to perform said contracts in respect to the time and manner of payment, so that after the inspection, delivery, and acceptance of the same, the contractors were obliged to submit their accounts to the Treasury Department and await long periods of time for payment, and when their accounts were settled, to receive as to a portion thereof the sum of $77,000 in certificates of indebtedness instead of current funds of the United States.

There were 115 distinct deliveries made by said contractors under the contracts aforesaid, and the goods so delivered were, at the respective times of delivery, inspected and approved by the defendant's officers, and bills therefor were duly authenticated by the proper officers, and no negligence or delay is to be attributed to the defendant's officers or agents in respect to the inspection of said goods or the issuing of the vouchers, or their transmission by the Ordnance Department to the Treasury Department for payment.

After the vouchers reached the Treasury Department, intervals of different length occurred before they were audited and drafts issued in payment thereof. The shortest interval between the receipt of a voucher by the Treasury Department and the issuing of a draft in payment was seven days, and the longest was one hundred and fourteen days; the average was thirty-six days.

During the period of the fulfillment of their contracts and agreements with the United States as herein set forth, the sole business of the claimants was the furnishing of these supplies to the defendants under said contracts, and their business necessities compelled them to borrow money by hypothecating or selling their vouchers, and the rate of discount paid by them generally was 10 per cent per annum.

A portion of the amount to be paid the contractors, amounting to the sum of $77,000 was, as aforesaid, paid by the issuing certificates of indebtedness (issued under the act of March 1, 1862, 12 Stat. L., 352). In the making of each payment, all of which were mailed by the Treasury Department at Washington, D. C., to the contractors at Quincy, Ill., 25 per cent of each payment was represented by these certificates for that amount and the remaining 75 per cent by ordinary Treasury drafts. Said certificates had a market or commercial value of less than their par value and were sold by said contractors at a loss of 7½ per cent.

The loss suffered by the claimants by reason of the delays in payment after delivery was $4,949.73.

The loss suffered by reason of the failure of the defendants to pay in current funds, for the portion of the payments for which certificates of indebtedness were issued, was $5,775.

The case was brought to a hearing on loyalty and merits on the 21st day of February, 1907. Ralston & Siddons, esqs., appeared for the claimant, and the Attorney-General, by John Q. Thompson, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

Heretofore, to wit, on the 2d day of January, 1875, the claimant's decedent, Robert Tillson, and others, filed in this court under the general jurisdiction thereof their petition (numbered 10155) against the United States for the same and identical claim referred to the court under the reference hereinbefore mentioned, and said cause was on said petition adjudicated. Findings of fact were filed and a judgment dismissing the petition was entered, together with an opinion, all of which appears in 11 C. Cls. R., 758, of which the following is an exact copy:

"FINDINGS OF FACT.

"This case having been heard by the Court of Claims, the court, upon the evidence, finds the facts to be as follows:

"1. The claimants and the defendants entered into the various contracts and agreements set forth in the petition.

"II. The claimants, at various times between the 9th October, 1862, and the 24th October, 1864, delivered horse equipments and infantry accouterments, under said contracts and agreements, to the defendants' officers at the United States arsenal in St. Louis, to the amount of $494,972.66.

"III. There were one hundred and fifteen distinct deliveries of the above-described goods made by the claimants, extending from the 9th October, 1862, to the 24th October, 1864, and the goods delivered were then, at the respective times of delivery, inspected and approved by the defendants' officers, and bills therefore were duly authenticated by the proper officers of the Ordnance Department, as provided by the contract, and no negligence or delay is attributable to the officers of Ordnance Department in regard to the inspection of the goods or the issuing of the vouchers. The vouchers so received by the claimants were by them presented to the Ordnance Office in Washington, and were by the Ordnance Office transmitted to the Treasury, to be audited and paid, and no delay in so transmitting them is attributable to the Ordnance Office. After the vouchers reached the Treasury Department, intervals of different length occurred before they were audited and drafts issued in payment thereof. The shortest interval between the receipt of a voucher by the Treasury Department and the issuing of the draft in payment was seven days, and the longest was one hundred and fourteen days; the average was thirty-six days. During the period of the fulfillment of their contracts and agreements, before described, the claimants' business necessities compelled them to borrow money by hypothecating or selling their vouchers, and the rate of discount paid by them generally was 10 per cent per annum.

"IV. A portion of the payments made to the claimants upon the vouchers before described were made, to the extent of 25 per cent thereof, by certificates of indebtedness issued under the act 1st March, 1862 (12 Stat. L., p. 352). These certificates were sent by mail to the claimants, accompanied by ordinary Treasury drafts for the remaining 75 per cent of the payments. The claimants neither solicited such certificates nor objected to them. Being below par in the market, the claimants sold them at a discount of 7½ per cent. The total amount of the certificates so issued to them was $77,000, and the discount or loss suffered by the claimants in disposing of them for cash was $5,775.

"And upon the foregoing facts the Court of Claims decides as

"CONCLUSIONS OF LAW.

"I. The loss and damage suffered by the claimants from the failure to keep and perform the contracts referred to in the findings aforesaid, as to the time and manner of payment thereof were too remote to be a subject of recovery in this action within the meaning and intent of the private act for the relief of the claimant, passed June 23, 1874.

"II. The claimants, by voluntarily accepting certificates of indebtedness in part payment of their demands, are excluded from saying that such payments were in violation of the terms of their contracts with the Government.

"III. In contracting with the Government the claimants submitted themselves to the regular routine of public business, and are not entitled to recover damages for the delays which occurred in auditing their vouchers in the Treasury Department.

"NOTT, J., delivered the opinion of the court:

"A majority of the court are of the opinion that the damages resulting to the claimants from their inability to purchase on a rising market in consequence of the Government's delay in making payments, are too remote to be the subject of judicial relief within the intent and meaning of the private act passed for the claimants' relief on the 23d of June, 1874, and in that conclusion I concur. A majority of the court are also of the opinion that the claimants should not recover the discount paid by them on the certificates of indebtedness which they voluntarily accepted in part payment of their accounts against the Government, and in that conclusion I also concur. A majority of the court also are of the opinion that the delays in auditing the claimants' accounts in the Treasury Department did not constitute a breach of the contracts before referred to, and, therefore, that nothing is equitably due to the claimants within the intent and meaning of the private act for the failure of the Government to keep and perform the contracts as to the time of payment, inasmuch as in contracting with the Government the parties submitted themselves to the regular routine of the public business.

"In that conclusion I am unable to concur, being of the opinion that the delay was unreasonable and in violation of the terms of the contracts, and that the private act was intended to make the claimants whole in this particular, and that they should recover interest upon the payments thus delayed; but in the absence of our brother, Mr. Justice Richardson, it is impossible to render final judgment without my concurrence, and as the claimants' counsel have intimated a desire to take the case to

the Supreme Court, I unite with the majority of the court in directing judgment to be entered in favor of the defendants."

Thereafter the case was appealed to the Supreme Court of the United States, and the decision of this court was affirmed (100 U. S., 43).

Wherefore, the court holds that the said cause in res judicata in this court under the authority of the case of Le More (35 C. Cls. R., 9), and the case of Hartiens (42 C. Cls. R., —), and the evidence now submitted in support of said claim is not considered.

BY THE COURT.

Filed, February 24, 1907.

A true copy,
Test this 23d day of January, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 568.

MARY E. JAMES.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF MARY E. JAMES, WIDOW OF THOMAS JAMES, DECEASED, AGAINST THE UNITED STATES.

JANUARY 27, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 21, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings of fact filed by court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional 12640-14. Mary E. James, widow of Thomas James, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 16th day of June, 1906. The case was brought to a hearing on its merits on the 20th day of January, 1908.

Lyon & Lyon and C. D. Pennebaker, esqs., appeared for the claimant, and the Attorney-General, by G. M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Jackson, in the State of Missouri, and is the widow of Thomas James, deceased.

2. That said Thomas James, being the first sergeant of Company B, Twenty-eighth Regiment Illinois Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Illinois as second lieutenant thereof on November 9, 1865; and that from and after said date the said Thomas James assumed and performed all the duties of his said grade until March 9, 1866, when he was mustered out as first sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said Thomas James was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period the said Thomas James was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Mary E. James, widow of Thomas James, deceased, the claimant of this case, citizen of the United States and resident of the county of Jackson in the State of Missouri.

2. On November 9, 1865, Thomas James was first sergeant of Company B, Twenty-eighth Regiment Illinois Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on March 9, 1866, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The second lieutenant of said Company B, Twenty-eighth Regiment Illinois Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon said Thomas James, who then and thereafter assumed and performed all the duties of second lieutenant of said Company B, Twenty-eighth Regiment Illinois Volunteer Infantry.

The governor of the State of Illinois also issued to said Thomas James a commission as second lieutenant, Company B, Twenty-eighth Regiment Illinois Volunteer Infantry.

3. On the said November 9, 1865, the mustering officer then and thereafter refused to muster the said Thomas James as second lieutenant of said Company B, Twenty-eighth Regiment Illinois Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered out of the service as first sergeant, March 9, 1866.

4. Excepting a short payment of $4.18, he has been properly paid as an enlisted man from enrollment to discharge, including $100 bounty under act of July 22, 1861, and $400 veteran bounty under joint resolution of January 13, 1864, also travel allowances. He was overpaid 47 cents for clothing. If he is to be paid as a second lieutenant from November 9, 1865, to March 9, 1866, inclusive, there would be due:

Second lieutenant's pay, 4 months and 1 day		$181.50
Second lieutenant's subsistence, 121 days		242.00
Second lieutenant's travel allowances, 73 miles		12.77
Pay short paid, before stated		4.18
Total		440.45
Debits:		
Pay received as first sergeant, 4 months 1 day	$96.80	
Clothing received as first sergeant, same period	25.81	
Subsistence as first sergeant, 121 days	23.57	
Veteran bounty forfeited	140.00	
Travel received as first sergeant	3.90	
Clothing overpaid, before stated	.47	
		290.55
Balance due claimant (one hundred and forty-nine dollars and ninety cents)		149.90

BY THE COURT.

If, however, it should be decided that the soldier, who served as an enlisted man from August 3, 1861, to November 8, 1865 (4 years 3 months 5 days), did not forfeit any part of his veteran bounty when promoted second lieutenant November 9, 1865, the amount due will be increased $140, and then will be $289.90.

Filed January 20, 1908.

A true copy.
Test this 20th day of January, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 569.

HENRIETTA V. DALE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HENRIETTA V. DALE, WIDOW OF JOHN J. DALE, DECEASED, AGAINST THE UNITED STATES.

JANUARY 27, 1908.—Referred to the Committee on War Claims and ordered to be printed.

CLERK'S OFFICE,
Washington, January 21, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-44. Henrietta V. Dale, widow of John J. Dale, deceased *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 20th day of January, 1908.

C. D. Pennebaker, esq., appeared for the claimant, and the Attorney-General, by G. M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Windham, in the State of Vermont, and is the widow of John J. Dale, deceased.

2. That said John J. Dale being the sergeant of Company F, Seventeenth Regiment Vermont Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Vermont as second lieutenant thereof on March 11, 1865; and that from and after said date the said John J. Dale assumed and performed all the duties of his said grade until May 1, 1865, when he was mustered in as first lieutenant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said John J. Dale was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period the said John J. Dale was allowed and paid only the pay and allowances of a sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Henrietta V. Dale, the claimant of this case, is a citizen of the United States and resident of the county of Windham, in the State of Vermont.

2. On March 11, 1865, John J. Dale was sergeant of Company F, Seventeenth Regiment Vermont Volunteer Infantry. On that date and until he was mustered into the service, to wit, on May 1, 1865, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The second lieutenant of said Company F, Seventeenth Regiment Vermont Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon said John J. Dale, who then and thereafter assumed and performed all the duties of second lieutenant of said Company F, Seventeenth Regiment Vermont Volunteer Infantry.

The governor of the State of Vermont also issued to said John J. Dale a commission as second lieutenant, Company F, Seventeenth Regiment Vermont Volunteer Infantry.

3. On the said March 11, 1865, the mustering officer then and thereafter refused to muster the said John J. Dale as second lieutenant of said Company F, Seventeenth Regiment Vermont Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as first lieutenant May 1, 1865.

4. If the said John J. Dale should be deemed second lieutenant of Company F, Seventeenth Regiment Vermont Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a sergeant, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered from the period from March 11, 1865, to April 30, 1865, would amount to one hundred and twenty-four dollars and six cents ($124.06), as reported by the Auditor for the War Department.

BY THE COURT.

Filed January 20, 1908.

A true copy of the findings of fact as filed by the court.
Test this 20th day of January, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 570.

RUSSELL P. FINNEY.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF RUSSELL P. FINNEY AGAINST THE UNITED STATES.

JANUARY 27, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 21, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-52. Russell P. Finney *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 20th day of January, 1908.

C. D. Pennebaker appeared for the claimant, and the Attorney-General, by G. M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Clark, in the State of Indiana.

2. That he, being the captain of Company B, Sixth Regiment Indiana Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Indiana as major thereof on July 1, 1865, and that from and after said date he assumed and performed all the duties of his said grade until September 26, 1865, when he was mustered out as captain. Said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of major during said period.

3. That during said period he was allowed and paid only the pay and allowances of a captain, although he was in the continuous performance of the duties of major.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Russell P. Finney, the claimant in this case, is a citizen of the United States and resident in the county of Clark, in the State of Indiana.

2. On July 1, 1865, the said Russell P. Finney was captain of Company B, Sixth Regiment Indiana Volunteer Cavalry. On that date and until he was mustered out of the service, to wit, on September 26, 1865, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The major of said Sixth Regiment Indiana Volunteer Cavalry being then and thereafter out of service in said grade, the duties of major devolved upon this claimant, who then and thereafter assumed and performed all the duties of major of said Sixth Regiment of Indiana Volunteer Cavalry.

The governor of the State of Indiana also issued to this claimant a commission as major, Sixth Regiment Indiana Volunteer Cavalry.

3. On the said July 1, 1865, the mustering officer then and thereafter refused to muster this claimant as major of said Sixth Regiment Indiana Volunteer Cavalry solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of major until he was mustered out of the service as captain September 26, 1865.

4. If the said Russell P. Finney should be deemed major of the Sixth Regiment Indiana Volunteer Cavalry and entitled to the pay of that grade, the difference between his pay and allowances as a captain which he has received, and that of a major to which he would have been entitled had he been mustered for the period from July 1, 1865, to September 26, 1865, would amount to one hundred and fifty-three dollars and ninety-five cents ($153.95), as reported by the Auditor for the War Department, including a short payment of $15.45.

By the Court.

Filed January 20, 1908.

A true copy of the findings of fact as filed by the court.
Test this 20th day of January, 1908.

[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 571.

ELVIRA D. GREGG.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ELVIRA D. GREGG, WIDOW OF JUDSON H. GREGG, DECEASED, AGAINST THE UNITED STATES.

JANUARY 27, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 21, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-60. Elvira D. Gregg, widow of Judson H. Gregg, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 20th day of January, 1908.

C. D. Pennebaker, esq., appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Ingham, in the State of Michigan, and is the widow of Judson H. Gregg, deceased.

2. That said Judson H. Gregg being the sergeant of Company B, Twenty-third Regiment Michigan Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Michigan as second lieutenant thereof on August 15, 1864; and that from and after October 6, 1864, the said Judson H. Gregg assumed and performed all the duties of his said grade until December 24, 1864, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said Judson H. Gregg was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period the said Judson H. Gregg was allowed and paid only the pay and allowances of a sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Elvira D. Gregg, the claimant of this case, is a citizen of the United States and resident of the county of Ingham, in the State of Michigan.

2. On October 6, 1864, Judson H. Gregg was sergeant of Company B, Twenty-third Regiment Michigan Volunteer Infantry. On that date and until he was mustered into the service, to wit, on December 24, 1864, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department, of June 20, 1863, carrying into effect Section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The second lieutenant of said Company B, Twenty-third Regiment Michigan Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon said Judson H. Gregg, who then and thereafter assumed and performed all the duties of second lieutenant of said Company B, Twenty-third Regiment Michigan Volunteer Infantry.

The governor of the State of Michigan also issued to said Judson H. Gregg a commission as second lieutenant Company B, Twenty-third Regiment Michigan Volunteer Infantry.

3. On the said October 6, 1864, the mustering officer then and thereafter refused to muster the said Judson H. Gregg as second lieutenant of said Company B, Twenty-third Regiment Michigan Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such, December 24, 1864.

4. If the said Judson H. Gregg should be deemed second lieutenant of Company B, Twenty-third Regiment Michigan Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a sergeant, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered from the period from October 6, 1864, to December 23, 1864, would amount to one hundred and sixteen dollars and twenty-eight cents ($116.28), as reported by the Auditor for the War Department.

By the Court.

Filed January 20, 1908.

A true copy of the findings of fact as filed by the court.
Test this 20th day of January, 1908.

[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 572.

JOHN HAMILTON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN HAMILTON AGAINST THE UNITED STATES.

JANUARY 27, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, January 21, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[In the Court of Claims. Congressional, No. 12169-81. John Hamilton v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 20th day of January, 1908.

C. D. Pennebaker, esq., appeared for the claimant, and the Attorney-General, by G. M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant, in his petition, makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Franklin, in the State of Ohio.

2. That he, being the first sergeant of Company I, Twelfth Regiment Ohio Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Ohio as second lieutenant thereof on June 16, 1865; and that from and after said date he assumed and performed all the duties of his said grade until November 1, 1865, when he was mustered in as such; said regiment was continuously below the minimum number described by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT

I. John Hamilton, the claimant in this case, is a citizen of the United States and resident in the county of Franklin, in the State of Ohio.

II. On July 1, 1865, the said John Hamilton was first sergeant of Twelfth Regiment Ohio Volunteer Cavalry. On that date and until he was mustered into the service—to wit, on November 1, 1865—the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The second lieutenant of said company I, Twelfth Regiment Ohio Volunteer Cavalry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company I, Twelfth Regiment Ohio Volunteer Cavalry.

The governor of the State of Ohio also issued to this claimant a commission as second lieutenant, Company I, Twelfth Regiment Ohio Volunteer Cavalry.

III. On the said July 1, 1865, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company I, Twelfth Regiment Ohio Volunteer Cavalry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such November 1, 1865.

IV. If the said John Hamilton should be deemed second lieutenant of Company I, Twelfth Regiment Ohio Volunteer Cavalry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant which he has received, and that of a second lieutenant to which he would have been entitled had he been mustered for the period from July 1, 1865, to October 31, 1865, would amount to two hundred and seventy-two dollars and seventy-seven cents ($272.77), without servant, as reported by the Auditor for the War Department.

BY THE COURT.

Filed January 20, 1908.

A true copy of the findings of fact as filed by the court.
Test this 20th day of January, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 573.

RICHARD M. JOHNSON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF RICHARD M. JOHNSON AGAINST THE UNITED STATES.

JANUARY 27, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, January 21, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[In the Court of Claims. Congressional, No. 12169-90. Richard M. Johnson v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 20th day of January, 1908.

C. D. Pennebaker, esq., appeared for the claimant, and the Attorney-General, by G. M. Anderson, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of De Kalb, in the State of Tennessee.

2. That he, being the sergeant of Company K, Fifth Regiment Tennessee Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Tennessee as first lieutenant thereof on May 26, 1865; and that from and after said date he assumed and performed all the duties of his said grade until August 22, 1865, when he was mustered out as sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of first lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a sergeant, although he was in the continuous performance of the duties of first lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

I. Richard M. Johnson, the claimant in this case, is a citizen of the United States and resident in the county of De Kalb, in the State of Tennessee.

II. On May 26, 1865, the said Richard M. Johnson was sergeant of Company K, Fifth Regiment Tennessee Volunteer Cavalry. On that date and until he was mustered out of the service—to wit, on August 22, 1865—the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The first lieutenant of said Company K, Fifth Regiment Tennessee Volunteer Cavalry, being then and thereafter out of service in said grade, the duties of first lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of first lieutenant of said Company K, Fifth Regiment Tennessee Volunteer Cavalry.

The governor of the State of Tennessee also issued to this claimant a commission as first lieutenant, Company K, Fifth Regiment Tennessee Volunteer Cavalry.

III. On the said May 26, 1865, the mustering officer then and thereafter refused to muster this claimant as first lieutenant of said Company K, Fifth Regiment Tennessee Volunteer Cavalry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of first lieutenant until he was mustered out of the service as sergeant, August 22, 1865.

IV. If the said Richard M. Johnson should be deemed first lieutenant of Company K, Fifth Regiment Tennessee Volunteer Cavalry, and entitled to the pay of that grade, the difference between his pay and allowance as a sergeant, which he has received, and that of a first lieutenant, without servant, to which he would have been entitled had he been mustered for the period from May 26, 1865, to August 22, 1865, would amount to one hundred and eighty-three dollars and twenty-six cents ($183.26), as reported by the Auditor for the War Department.

BY THE COURT.

Filed January 20, 1908.

A true copy of the findings of fact as filed by the court.
Test this 20th day of January, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 574.

OLE JACOBSON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF OLE JACOBSON AGAINST THE UNITED STATES.

JANUARY 27, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 21, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[In the Court of Claims. Congressional, No. 12169-92. Ole Jacobson v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 20th day of January, 1908.

C. D. Pennebaker, esq., and Jones appeared for the claimant, and the Attorney-General, by G. M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Wolworth, in the State of Wisconsin.

2. That he, being the first sergeant of Company H, Thirteenth Regiment Wisconsin Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Wisconsin as second lieutenant thereof on August 31, 1865; and that from and after said date he assumed and performed all the duties of his said grade until December 27, 1865, when he was mustered out as first sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

I. Ole Jacobson, the claimant in this case, is a citizen of the United States and resident in the county of Wolworth, in the State of Wisconsin.

II. On August 31, 1865, the said Ole Jacobson was first sergeant of Company H, Thirteenth Regiment Wisconsin Volunteer Infantry. On that date and until he was mustered out of the service—to wit, on December 27, 1865, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 734.)

The second lieutenant of said Company H, Thirteenth Regiment Wisconsin Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company H, Thirteenth Regiment Wisconsin Volunteer Infantry.

The governor of the State of Wisconsin also issued to this claimant a commission as second lieutenant, Company H, Thirteenth Regiment Wisconsin Volunteer Infantry.

III. On the said August 31, 1865, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company H, Thirteenth Regiment Wisconsin Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered out of the service as first sergeant December 27, 1865.

IV. If the said Ole Jacobson should be deemed second lieutenant of Company H, Thirteenth Regiment Wisconsin Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant which he has received and that of a second lieutenant to which he would have been entitled had he been mustered for the period from August 31, 1865, to December 27, 1865, would amount to one hundred and thirty-eight dollars and seventy-eight cents ($138.78), as reported by the Auditor for the War Department.

By the Court.

Filed January 20, 1908.

A true copy of the findings of fact as filed by the court.
Test this 20th day of January, 1908.

[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 575.

MARTIN H. MULLIN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OFTHE FINDINGS FILED BY THE COURT IN THE CASE OF MARTIN H. MULLIN AGAINST THE UNITED STATES.

JANUARY 27, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 21, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[In the Court of Claims. Congressional, No. 12169-112. Martin H. Mullin v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 20th day of January, 1908.

C. D. Pennebaker, esq., appeared for the claimant, and the Attorney-General, by G. M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Oneida, in the State of New York.

2. That he, being the first sergeant of Company G, Twenty-fourth Regiment New York Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of New York as first lieutenant thereof on February 6, 1865; and that from and after said date he assumed and performed all the duties of his said grade until May 5, 1865, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of first lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of first lieutenant.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

I. Martin H. Mullin, the claimant in this case, is a citizen of the United States and resident in the county of Oneida, in the State of New York.

II. On February 6, 1865, the said Martin H. Mullin was first sergeant of Company G, Twenty-fourth Regiment New York Volunteer Cavalry. On that date and until he was mustered into the service—to wit, on May 5, 1865—the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., p. 734.)

The first lieutenant of said Company G, Twenty-fourth Regiment New York Volunteer Cavalry, being then and thereafter out of service in said grade, the duties of first lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of first lieutenant of said Company G, Twenty-fourth Regiment New York Volunteer Cavalry.

The governor of the State of New York also issued to this claimant a commission as first lieutenant, Company G, Twenty-fourth Regiment New York Volunteer Cavalry.

III. On the said February 6, 1865, the mustering officer then and thereafter refused to muster this claimant as first lieutenant of said Company G, Twenty-fourth Regiment New York Volunteer Cavalry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of first lieutenant until he was mustered into the service as such May 5, 1865.

IV. If the said Martin H. Mullin should be deemed first lieutenant of Company G, Twenty-fourth Regiment New York Volunteer Cavalry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a first lieutenant without servant, to which he would have been entitled had he been mustered for the period from February 6, 1865, to May 4, 1865, would amount to three hundred and fifty-one dollars and sixty-eight cents ($351.68), as reported by Auditor for the War Department.

BY THE COURT.

Filed January 20, 1908.

A true copy of the findings of fact as filed by the court.
Test this 20th day of January, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 619.

MARY E. HUMPHREYS, EXECUTRIX.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF MARY E. HUMPHREYS, INDEPENDENT EXECUTRIX OF ENOCH HUMPHREYS, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 4, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 3, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12201. Mary E. Humphreys, independent executrix of estate of Enoch Humphreys, deceased, *v.* The United States.]

STATEMENT OF CASE.

By resolution of the House of Representatives of March 31, 1906, House bill No. 13461, Fifty-ninth Congress, was referred to this court for findings of fact under the terms of the act approved March 3, 1887. Said bill reads as follows:

"A BILL For the relief of the estate of Enoch Humphreys, deceased.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the estate of Enoch Humphreys, deceased, late of Gordon County, Georgia, the sum of five hundred and twenty-nine dollars, in full compensation for stores, supplies, and property taken for the use of and used by the Federal forces during the late civil war."

The case was brought to a hearing upon loyalty and merits on the 7th day of November, 1907.

Moyers & Consaul appeared for claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant, in her petition, makes the following allegation:

That she is a citizen of the United States and a resident of the county of Tarrant, State of Texas; that she is the duly appointed, qualified, and acting independent executrix of the estate of her deceased husband, Enoch Humphreys, deceased, late of said county and State.

That during the late civil war said Enoch Humphreys was a citizen of the United States, residing in the county of Gordon, State of Georgia, where there were taken from him by the United States military forces, under proper authority, for use of the Army, quartermaster stores and commissary supplies of the kinds and values below mentioned, to wit:

2 mules, at $150 each	$300.00
40 bushels of wheat, at $1.50 per bushel	60.00
10 bushels of corn, at $1 per bushel	10.00
35 bushels of oats, at $1.50 per bushel	52.50
800 pounds of hay, at 1 cent per pound	8.00
40 sheep, at $2 each	80.00
2 flatboats, at $50 each	100.00
Total	610.50

The court, upon the evidence and after considering the briefs and arguments of counsel upon both sides, makes the following

FINDINGS OF FACT.

I. It appears from the evidence that Enoch Humphreys, deceased, was loyal to the Government of the United States throughout the late civil war.

II. During said period the military forces of the United States, by proper authority, for the use of the Army, took from the claimant's decedent in Gordon County, State of Georgia, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of three hundred and seventy dollars ($370), no part of which appears to have been paid.

III. The claim herein was never presented to any department of the Government prior to its presentation to Congress and reference to this court by resolution of the House of Representatives as hereinbefore mentioned, and no reason is given why the bar of any statute of limitation should be removed and which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

By the Court.

Filed November 11, 1907.
A true copy.
Test this 3d day of February, 1908.
[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 626.

ALFRED C. PARHAM.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ALFRED C. PARHAM, AS ADMINISTRATOR, AND IN HIS OWN RIGHT, AGAINST THE UNITED STATES.

FEBRUARY 7, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 7, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12671. Heirs of Harvey N. Parham, deceased, *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Harvey N. Parham, deceased, Euphrasie Parham, Amelia Parham, Alfred C. Parham, and Corinne B. Parham, the persons alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, were loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed November 4, 1907.

[Court of Claims, Congressional case No. 12671. Alfred C. Parham, administrator of the estates of Harvey N. Parham, deceased; Mrs. Euphrasie Parham, deceased, and Mrs. Amelia E. Smith, deceased; and Alfred C. Parham in his own right, and Corinne B. McRight in her own right, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 10th day of January, 1907.

On a preliminary inquiry the court, on the 4th day of November, 1907, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 20th day of January, 1908.

Francis L. Neubeck, esq., appeared for claimant, and the Attorney-General, by Clark McKercher, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimants in their petition make the following allegations:

That they are citizens of the United States, residing in the parish of Rapides, State of Louisiana; that they are heirs and representatives of Harvey N. Parham and of Mrs. Euphrasie Parham, both deceased.

That during the late civil war and until his death, August 2, 1863, said Harvey N. Parham was a citizen of the United States and a resident of said parish of Rapides, State of Louisiana; that during said war the United States military forces, under proper authority, took from said Harvey N. Parham, for the use of the Army, quartermaster stores of the kind and values below stated, for which no payment has been made, to wit:

Taken from premises of decedent, Harvey N. Parham, near Alexandria, La., in the spring of 1863, by troops under command of General Grover—

3 horses, at $100 each	$300

That during said war, after the death of Harvey N. Parham, the United States military forces, under proper authority, took from the widow and children of said Harvey N. Parham, deceased, for use of the Army, quartermaster stores and commissary supplies of the kinds and values below stated, for which no payment has been made, to wit:

Taken by army of Gen. N. P. Banks, from Parham plantation, near Alexandria, La., in the spring of 1864—

4,000 pounds of bacon, at 20 cents per pound	$800
2,000 pounds of sugar, at 10 cents per pound	200
1,000 bushels of corn, at $1 per bushel	1,000
4 mules, at $100 each	400
20 beef cattle, at $15 each	300
Total	2,700

That at the time of the taking of said last-mentioned property one-half interest in the estate left by said Harvey N. Parham was vested in his said widow, Mrs. Euphrasie Parham; that the other one-half interest in said estate was vested at that time in said decedent's four children, as follows:

(1) William H. Parham; (2) Amelia Parham (later Smith); (3) Alfred C. Parham; and (4) Corinne B. Parham (later McRight).

The court, upon the evidence, and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

I. During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from Harvey N. Parham, prior to his death, in August, 1863, in the parish of Rapides, State of Louisiana, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of three hundred dollars ($300), no part of which appears to have been paid.

Alfred C. Parham is the duly appointed administrator of the estate of Harvey N. Parham, deceased.

II. During said war, and subsequent to the death of said Harvey N. Parham, the military forces of the United States, by proper authority, for the use of the Army, took from his widow and other heirs, in the parish of Rapides, State of Louisiana, property of the kind and character described in the petition, the shares of said widow and other loyal heirs therein being reasonably worth at the time and place of taking the sum of one thousand eight hundred and twenty dollars ($1,820), no part of which appears to have been paid.

III. The respective interests of the claimants, being their respective shares of the property hereinbefore mentioned, are as follows: Alfred C. Parham, administrator of the estate of Harvey N. Parham, deceased, three hundred dollars ($300); Alfred C. Parham, administrator of the estate of Euphrasie Parham, deceased, one thousand

and forty dollars ($1,040); Alfred C. Parham, administrator of the estate of Amelia E. Smith, deceased, two hundred and sixty dollars ($260); Alfred C. Parham, in his own right, two hundred and sixty dollars ($260); and Corinne B. McRight, in her own right, two hundred and sixty dollars ($260).

No allowance is made for the share in said property of William H. Parham, heir of Harvey N. Parham, deceased, for the reason that on November 4, 1907, the court found him not to have been loyal to the Government of the United States throughout said war, and being a claim referred under the Bowman Act the court was without jurisdiction as to his claim.

BY THE COURT.

Filed February 3, 1908.
A true copy.
Test this 6th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 627.

HENRY L. BIDDLE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HENRY L. BIDDLE AGAINST THE UNITED STATES.

FEBRUARY 7, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 6, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-7. Henry L. Biddle *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 3d day of February, 1908.

C. D. Pennebaker, esq., appeared for the claimant, and the Attorney-General, by G. M. Anderson, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Montgomery, in the State of Ohio.

2. That he, being the first sergeant of Company H, One hundred and tenth Regiment of Ohio Infantry Volunteers, was duly appointed or commissioned by the governor of the State of Ohio as second lieutenant thereof on December 24, 1864; and that from and after said date he assumed and performed all the duties of his said grade until June 30, 1865, when he was mustered out as first sergeant; said regiment was continuously below the minimum prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

1. Henry L. Biddle, the claimant in this case, is a citizen of the United States and resident in the county of Montgomery, in the State of Ohio.

2. On December 24, 1864, the said claimant was first sergeant of Company H, One hundred and tenth Regiment Ohio Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on June 30, 1865, the same was and continued to be below the minimum number prescribed by General Order, No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The second lieutenant of said Company H, One hundred and tenth Regiment Ohio Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company H, One hundred and tenth Regiment Ohio Volunteer Infantry, until mustered out June 30, 1865.

The governor of the State of Ohio also issued to this claimant a commission as second lieutenant of Company H, One hundred and tenth Regiment Ohio Volunteer Infantry.

3. On the said December 24, 1864, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company H, One hundred and tenth Regiment Ohio Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered out of the service as first sergeant, June 30, 1865.

4. During the period aforesaid, to wit, from December 24, 1864, to June 30, 1865, this claimant employed no servant not enlisted.

5. During said period this claimant did draw rations from the Government.

6. If the said Henry L. Biddle should be deemed second lieutenant of Company H, One hundred and tenth Regiment Ohio Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered for the period from December 24, 1864, to June 30, 1865, would amount to three hundred and sixty-two dollars and forty-four cents ($362.44), as reported by the Auditor for the War Department.

BY THE COURT.

Filed February 3, 1908.
A true copy.
Test this 5th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 628.

WILLIAM C. BRUMMETT.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF WILLIAM C. BRUMMETT AGAINST THE UNITED STATES.

FEBRUARY 7, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 6, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12640-13. William C. Brummett v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 16th day of June, 1906. The case was brought to a hearing on its merits on the 3d day of February, 1908.

Lyon & Lyon and C. D. Pennebaker, esq., appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Cass, in the State of Missouri.

2. That he, being the first sergeant of Company C, Fourth Regiment of Tennessee Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Tennessee as second lieutenant thereof on August 19, 1863, and that from and after said date he assumed and performed all the duties of his said grade until February 24, 1864, when he was mustered in as such. Said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

William C. Brummett, the claimant in this case, is a citizen of the United States and resident in the county of Cass, in the State of Missouri.

On August 19, 1863, the said William C. Brummett was first sergeant of Company C, Fourth Regiment Tennessee Volunteer Cavalry. On that date and until he was mustered into the service, on February 24, 1864, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The second lieutenant of said Company C, Fourth Regiment Tennessee Volunteer Cavalry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company C, Fourth Regiment Tennessee Volunteer Cavalry.

The governor of the State of Tennessee also issued to this claimant a commission as second lieutenant Company C, Fourth Regiment Tennessee Volunteer Cavalry.

On the said August 19, 1863, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company C, Fourth Regiment Tennessee Volunteer Cavalry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such, February 24, 1864.

If the said William C. Brummett should be deemed second lieutenant of Company C, Fourth Regiment Tennessee Volunteer Cavalry, and entitled to pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered for the period from August 19, 1863, to February 23, 1864, would amount to three hundred and ninety dollars and ninety-three cents ($390.93), as reported by the Auditor for the War Department, including short payments of $37.56.

BY THE COURT.

A true copy.
Filed February 3, 1908.
A true copy of the findings of fact as filed by the court.
Test this 5th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 629.

JOHN D. LONGFELLOW.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JOHN D. LONGFELLOW AGAINST THE UNITED STATES.

FEBRUARY 7, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 6, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-105. John D. Longfellow v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 3d day of February, 1906.

C. D. Pennebaker, esq., appeared for the claimant and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Grant, in the State of Indiana.

2. That he, being the first sergeant of Company K, Seventh Regiment of Indiana Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Indiana as second lieutenant thereof on April 12, 1865, and that from and after said date he assumed and performed all the duties of his said grade until May 11, 1865, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowance of a first sergeant, *although he was* in continuous performance of the duties of second *lieutenant.*

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

John D. Longfellow, the claimant in this case, is a citizen of the United States and resident in the county of Grant, in the State of Indiana.

On April 12, 1865, the said John D. Longfellow was first sergeant of Company K, Seventh Regiment Indiana Volunteer Cavalry. On that date and until he was mustered into the service, to wit, on May 11, 1865, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863. (12 Stat. L., 734).

The second lieutenant of said Company K, Seventh Regiment Indiana Volunteer Cavalry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company K, Seventh Regiment Indiana Volunteer Cavalry.

The governor of the State of Indiana also issued to this claimant a commission as second lieutenant, Company K, Seventh Regiment Indiana Volunteer Cavalry.

On the said April 12, 1865, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company K, Seventh Regiment Indiana Volunteer Cavalry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such May 11, 1865.

During said period this claimant did not draw rations from the Government.

If the said John D. Longfellow should be deemed second lieutenant of Company K, Seventh Regiment Indiana Volunteer Cavalry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant which he has received, and that of a second lieutenant to which he would have been entitled had he been mustered for the period from April 12, 1865, to May 10, 1865, would amount to ninety-eight dollars and fifty-one cents ($98.51) as reported by the Auditor for the War Department, including $25 bounty erroneously deducted.

BY THE COURT.

A true copy.
Filed February 3, 1908.
A true copy of the findings of fact as filed by the court.
Test this 5th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 630.

HAMILTON L. KARR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HAMILTON L. KARR AGAINST THE UNITED STATES.

FEBRUARY 7, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 6, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-99. Hamilton L. Karr *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 3d day of February, 1908.

C. D. Pennebaker, esq., appeared for the claimant and the Attorney-General, by G. M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Clark, in the State of Iowa.

2. That he, being the captain of Company G, One hundred and sixteenth Regiment of Ohio Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Ohio as major thereof on March 29, 1865; and that from and after said date he assumed and performed all the duties of his said grade until June 23, 1865, when he was mustered out as captain; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of major during said period.

3. That during said period he was allowed and paid only the pay and allowances of a captain, although he was in the continuous performance of the duties of major.

Upon the reports furnished by the War and Treasury Departments and upon other evidence, and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

Hamilton L. Karr, the claimant in this case, is a citizen of the United States and resident in the county of Clark, in the State of Iowa.

On March 29, 1865, the said Hamilton L. Karr was captain of Company G, One hundred and sixteenth Regiment Ohio Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on June 23, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The major of said One hundred and sixteenth Regiment Ohio Volunteer Infantry being then and thereafter out of service in said grade, the duties of major devolved upon this claimant, who then and thereafter assumed and performed all the duties of major of said One hundred and sixteenth Regiment Ohio Volunteer Infantry.

The governor of the State of Ohio also issued to this claimant a commission as major, One Hundred and sixteenth Regiment Ohio Volunteer Infantry.

On the said March 29, 1865, the mustering officer then and thereafter refused to muster this claimant as major of said One Hundred and sixteenth Regiment Ohio Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of major until he was mustered out of the service as captain, June 23, 1865.

If the said Hamilton L. Karr should be deemed major of One hundred and sixteenth Regiment Ohio Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a captain which he has received, and that of a major to which he would have been entitled had he been mustered for the period from March 29, 1865, to June 23, 1865, would amount to, as reported by the Auditor for the War Department, sixty-six dollars and fifty-four cents ($66.54), including a short payment of $3.56.

BY THE COURT.

A true copy.
Filed February 3, 1908.
A true copy of the findings of fact as filed by the court.
Test this 5th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 631.

LEMUEL C. CANFIELD.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF LEMUEL C. CANFIELD AGAINST THE UNITED STATES.

FEBRUARY 7, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 6, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-25. Lemuel C. Canfield v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on March 27, 1906. The case was brought to a hearing on its merits on the 3d day of February, 1908.

C. D. Pennebaker, esq., appeared for the claimant, and the Attorney-General, by G. M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Mason, in the State of Michigan.

2. That he, being a private of Company A, Fifteenth Regiment of Michigan Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Michigan as second lieutenant thereof on July 22, 1864; and that from and after said date he assumed and performed all the duties of his said grade until March 27, 1865, when he was mustered in as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason and no other he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a private, although he was in the continuous performance of the duties of second lieutenant.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

Lemuel C. Canfield, the claimant in this case, is a citizen of the United States and resident in the county of Mason, in the State of Michigan.

On July 22, 1864, the said Lemuel C. Canfield was a private of Company A, Fifteenth Regiment Michigan Volunteer Infantry. On that date and until he was mustered into the service, to wit, on March 27, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The second lieutenant of said Company A, Fifteenth Regiment Michigan Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company A, Fifteenth Regiment Michigan Volunteer Infantry.

The governor of the State of Michigan also issued to this claimant a commission as second lieutenant Company A, Fifteenth Regiment Michigan Volunteer Infantry.

On the said July 22, 1864, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company A, Fifteenth Regiment Michigan Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered into the service as such March 27, 1865.

During said period this claimant did not draw rations from the Government.

If the said Lemuel C. Canfield should be deemed second lieutenant of Company A, Fifteenth Regiment Michigan Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a private, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered for the period from July 22, 1864, to March 26, 1865, would amount to five hundred and eighty-seven dollars and sixty-eight cents ($587.68), as reported by the Auditor for the War Department.

By the Court.

A true copy.
Filed February 3, 1908.
A true copy of the findings of fact as filed by the court.
Test this 5th day of February, 1908.
[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 632.

ANDREW L. CARTER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ANDREW L. CARTER AGAINST THE UNITED STATES.

FEBRUARY 7, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 6, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-20. Andrew L. Carter v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merits on the 3d day of February, 1908.

C. D. Pennebaker, esq., and Jones appeared for the claimant, and the Attorney-General, by G. M. Anderson, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Sangamon, in the State of Illinois.

2. That he, being the first sergeant of Company K, Seventy-sixth Regiment of Illinois Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Illinois as second lieutenant thereof on July 22, 1865, and that from and after said date he assumed and performed all the duties of his said grade until August 5, 1865, when he was mustered out as first sergeant; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of second lieutenant during said period.

3. That during said period he was allowed and paid only the pay and allowances of a first sergeant, *although he was in the continuous performance of the duties of second lieutenant.*

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

Andrew L. Carter, the claimant in this case, is a citizen of the United States and resident in the county of Sangamon, in the State of Illinois.

On July 22, 1865, the said Andrew L. Carter was first sergeant of Company K, Seventy-sixth Regiment Illinois Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on August 5, 1865, the same was and continued to be below the minimum number prescribed by General Order No. 182 of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., 734).

The second lieutenant of said Company K, Seventy-sixth Regiment Illinois Volunteer Infantry, being then and thereafter out of service in said grade, the duties of second lieutenant devolved upon this claimant, who then and thereafter assumed and performed all the duties of second lieutenant of said Company K, Seventy-sixth Regiment Illinois Volunteer Infantry, until August 5, 1865.

The governor of the State of Illinois also issued to this claimant a commission as second lieutenant, Company K, Seventy-sixth Regiment Illinois Volunteer Infantry.

On the said July 22, 1865, the mustering officer then and thereafter refused to muster this claimant as second lieutenant of said Company K, Seventy-sixth Regiment Illinois Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of second lieutenant until he was mustered out of the service as first sergeant, August 5, 1865.

During said period this claimant did not draw rations from the Government.

If the said Andrew L. Carter should be deemed second lieutenant of Company K, Seventy-sixth Regiment Illinois Volunteer Infantry, and entitled to the pay of that grade, the difference between his pay and allowances as a first sergeant, which he has received, and that of a second lieutenant, to which he would have been entitled had he been mustered for the period from July 22, 1865 to August 5, 1865, would amount to forty-eight dollars and sixteen cents ($48.16) as reported by the Auditor for the War Department.

BY THE COURT.

A true copy.
Filed February 3, 1908.
A true copy of the findings of fact as filed by the court.
Test this 5th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 646.

SLOOP JAMES.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SLOOP JAMES, ROBERT PALMER, MASTER.

FEBRUARY 10, 1908.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., February 6, 1908.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the findings of fact and conclusion of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *James*, Robert Palmer, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vessel sloop *James* Robert Palmer, master.]

No. of case.	Claimant.
4797.	George Meade, administrator of the estate of Anthony Butler, *v.* The United States.

PRELIMINARY STATEMENT.

This claim was tried before the Court of Claims on the 12th day of November, 1907.

The claimant was represented by William T. S. Curtis, and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, with whom was associated Assistant Attorney-General J. A. Van Orsdel.

FINDINGS OF FACT.

The court, upon the evidence and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The sloop *James*, Robert Palmer, master, sailed on a commercial voyage on or about the *18th day of February, 1797*, bound from the port of Philadelphia, Pa., to

L'ance a Vean, laden with a cargo of flour, beef, wine, and similar merchandise. While peacefully pursuing said voyage she was seized on the high seas on March 15, 1797, by the French privateer *L'Enfant Trouvé*, Capt. Pierre Brard, and conducted into the French port of Jean Rabel, and thereafter, on the 26th day of April, 1797, both vessel and cargo were condemned by the French prize tribunal sitting in the French port of Cape Francois, and became a total loss to the owners thereof.

The ground for said condemnation, as set forth in the decree, was as follows:

That she was bound, when captured, for Cape Nicholas Mole, a place under the protection of the French Government.

II. The sloop *James* was a duly registered vessel of the United States of 80$\frac{72}{95}$ tons burthen, built at Perth Amboy, in the State of New Jersey, in the year 1793, and was owned solely by Anthony Butler, a citizen of the United States.

III. The cargo consisted of wine, fruit, oil, beef, shooks, flour, dry goods, and silversmiths' tools, but the value of the same and the owners thereof do not appear.

IV. The loss to Anthony Butler by reason of the capture and condemnation aforesaid was as follows:

Value of vessel	$3,200
Freight earnings	1,333
Amounting in all to	4,533

The claimant has produced letters of administration on the estate of the party for whom he appears, and has otherwise proved to the satisfaction of the court that the person for whose estate he has filed claim is in fact the same person who suffered loss by reason of the seizure and condemnation of the sloop *James*, as set forth in the preceding findings.

Said claim was not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. It was not a claim growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and was not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimant, in his representative capacity, is the owner of said claim, which has never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claim was relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimant is entitled to the following sum from the United States:

George Meade, administrator of the estate of Anthony Butler, four thousand five hundred and thirty-three dollars $4,533

Amounting in all to four thousand five hundred and thirty-three dollars ($4,533).

BY THE COURT.

Filed December 2, 1907.
A true copy.
Test this 6th day of February, A. D. 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 647.

PERRY RENNOE, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF PERRY RENNOE, ADMINISTRATOR OF REVERDY A. RENNOE, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 10, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 8, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 4757. Perry Rennoe, administrator of Reverdy A. Rennoe deceased, *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Reverdy A. Rennoe, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT

Filed January 28, 1907.

[Court of Claims. Congressional case No. 4757. Perry Rennoe, administrator of Reverdy A. Rennoe, v. The United States.]

STATEMENT OF CASE.

The claim in the above entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims on the 19th day of June, 1888.

On a preliminary inquiry the court, on the 20th day of January, 1907, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 7th day of February, 1907.

Messrs. Lyon & Lyon, esqs., appeared for claimant, and the Attorney-General, by Percy M. Cox, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

The claimant, Perry Rennoe, respectfully represents—

That he is the administrator of Reverdy A. Rennoe, deceased, appointed on the 7th day of April, 1875, by the Orphans' Court in and for the county of Charles, and State of Maryland, his warrant of authority being herewith brought into court; that said decedent was during the late war a resident of the State of Maryland and did not give any aid or comfort to the said rebellion, but was throughout that war loyal to the Government of the United States.

That the following property belonging to Reverdy A. Rennoe was taken from him by the United States Army and used by the said Army, the date, place, and command being particularly stated below:

In Charles County, in the State of Maryland, on or about the fall and winter of 1861 and 1862, by troops under the command of General Sickles, U. S. Army, to wit:

Dwelling house	$2,000
Kitchen	300
Corn house	200
Fish vats	200
Granary and stable	500
Meat house and dairy	150
Two servants' houses	200
Shed	150
Carriage house	100
Total	3,800

That a claim for said property was presented to the Quartermaster-General, the items of said claim being as heretofore stated.

Said claim was not allowed by said tribunal, the ground for said action being that it was not considered that the evidence showed how much of the property was taken by and for the use of the Union Army.

That the said claim has been presented to the Fiftieth Congress, and was, by the House of Representatives of the said Fiftieth Congress, referred to the Committee on War Claims of said House, by which committee it was, on the 19th day of June, 1888, referred to this court for a finding of the facts in accordance with section 1 of an act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

That no other action than as aforesaid has been had on this claim in Congress or by any of the Departments; that the claimant is the sole owner of this claim and the only person interested therein; that no assignment or transfer of this claim or of any part thereof or interest therein has been made; that the claimant is justly entitled to the amount herein claimed from the United States after allowing all just credits and offsets; that the claimant is a citizen of the United States. And the claimant believes the facts as stated in this petition to be true.

The court, upon the evidence, and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

I. During the war for the suppression of the rebellion the military forces of the United States, for their use, took possession of certain buildings in Charles County, State of Maryland, belonging to claimant's decedent, as described in the petition; and from said buildings there was taken by the military forces of the United States certain material before the destruction of the entire property, which was used by them in the construction of their camps. The reasonable value of the material so used was the sum of two hundred dollars ($200), no part of which appears to have been paid.

II. The evidence does not establish to the satisfaction of the court that the military forces of the United States destroyed the property of claimant's decedent, as alleged.

This cause having been referred to the court under the provisions of the Bowman Act, the court would be without jurisdiction to entertain a claim for the destruction of the property.

BY THE COURT.

Filed February 18, 1907.
A true copy.
Test this 8th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 660.

T. N. RHODES, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF T. N. RHODES, ADMINISTRATOR OF ESTATE OF LEWELLEN RHODES, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 12, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 11, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 3604. Lewellen Rhodes *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Lewellen Rhodes, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed April 1, 1889.

[Court of Claims. Congressional case No. 3604. T. N. Rhodes, administrator of estate of Lewellen Rhodes, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims of the House of Representatives on the 10th day of April, 1888.

On a preliminary inquiry the court, on the 1st day of April, 1889, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 13th day of January, 1908.

Moyers & Consaul appeared for claimant, and the Attorney-General, by S. S. Ashbaugh, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States and a resident of Shelby County, Tenn., and is the administrator of the estate of Lewellen Rhodes, deceased, late of said county and State.

That during the late civil war the United States military forces, under proper authority, took from said decedent stores and supplies of the kinds and values below stated, to wit:

3,500 feet lumber, for fencing, $20 per M	$70.00
One lot timber for wagon axles	50.00
One lot timber for wagon tongues	50.00
One lot timber for wagon felloes	50.00
One lot timber for wagon spokes	50.00
One lot iron for tires	50.00
One lot blacksmith tools	100.00
25 bushels coal, at 75 cents per bushel	18.75
Total	438.75

The court, upon the evidence and after considering the briefs and arguments of counsel upon both sides, makes the following

FINDING OF FACT.

There was taken from claimant's decedent in the county of Shelby, State of Tennessee, by the military forces of the United States, by proper authority, for the use of the Army, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of two hundred and ninety dollars ($290).

No payment appears to have been made therefor.

BY THE COURT.

Filed February 3, 1908.

A true copy.

Test this 10th day of February, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 667.

M. F. COLLIER, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF M. F. COLLIER, ADMINISTRATOR OF AUGUST HEBERLEIN, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 13, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 12, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the House of Representatives under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional case No. 11202. M. F. Collier, administrator of the estate of August Heberlein, deceased, *v.* The United States.]

STATEMENT OF CASE.

The following bill was referred to the court by resolution of the House of Representatives, dated February 28, 1903, under the act of March 3, 1887, known as the Tucker Act.

"[H. R. 7421, Fifty-seventh Congress, first session.]

"A BILL For the relief of the estate of August Heberlein.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of August Heberlein, deceased, who was a Prussian subject and formerly a resident of Jacksonport, Arkansas, out of any moneys in the Treasury not otherwise appropriated, the sum of six thousand and eighty dollars and thirty cents, in full payment and satisfaction to said estate for certain personal property taken from said Heberlein and used by a portion of the Army of the United States in the year anno Domini eighteen hundred and sixty-two, at the said town of Jacksonport."

M. F. Collier, administrator of the estate of August Heberlein, deceased, *v.* The United States, appeared, and through his attorney, John S. Duffie, esq., filed his petition in the court May 15, 1903, in which he makes the following allegations:

That said August Heberlein, deceased, during the war of the rebellion, 1861–1865, lived in Jacksonport, in the county of Jackson, State of Arkansas; was a citizen of Prussia; quiet and industrious man; owned a business house and stable in said town furnished with furniture and tools necessary to his trade—that of a gun and door-lock smith; that said house, stable, furniture, and tools at the time of their destruction were the property of said Heberlein and were of the value of $6,080.30.

That some time in the month of May, 1862, said county was occupied by the Federal forces, under the command of General Curtis, and that said county was in the immediate command of Colonel Baker, First Independent United States Cavalry, and notwithstanding that said Heberlein was at that time a citizen of Prussia, and had never borne arms for or sympathized with either the Union or Confederate forces in the said war of the rebellion, said Heberlein was arrested, by the order of said Colonel Baker, and sent to Batesville, Independence County, Ark., and there confined in prison. When so confined, his house, stable, furniture, and tools of his trade were taken possession of and the house occupied by Colonel Baker's soldiers, and during the said imprisonment of said Heberlein all were burned by the carelessness of the direct act of said soldiers.

After his release he removed to Missouri, inside of the Federal lines, where he remained until the close of the war, then returned to said Jackson County, Ark., where he carried on the business of a gun and lock smith until the date of his death, in 1874; that said Heberlein made several efforts to have his claim paid by the United States Government, finally terminating in the bill above quoted, which was referred to the court.

On a preliminary inquiry the court, on December 4, 1905, found that the claimant was not loyal to the Government of the United States during the war for the suppression of the rebellion.

The case was brought to a hearing on merits on the 5th day of December, 1906.

John S. Duffie appeared for the claimant, and the Attorney-General, by F. DeC. Faust, his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after hearing the arguments and considering the evidence and briefs of counsel on both sides, makes the following

FINDINGS OF FACT.

During the war for the suppression of the rebellion the military forces of the United States, by proper authority, for the use of the Army, took possession of and occupied property belonging to said decedent and destroyed the same, said property being at the time and place reasonably worth the sum of one thousand dollars ($1,000), no part of which appears to have been paid.

BY THE COURT.

Filed December 10, 1906.
A true copy.
Test this 11th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 668.

N. C. FEARS, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF N. C. FEARS, ADMINISTRATOR OF W. S. FEARS, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 13, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 12, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12200. N. C. Fears, administrator of the estate of W. S. Fears, deceased, *v.* The United States.]

STATEMENT OF CASE.

This is a claim for property taken by the military forces of the United States during the late civil war. On the 31st day of March, 1906, the House of Representatives, by resolution, referred to the court under the provisions of the act of March 3, 1887, commonly known as the Tucker Act, the following bill:

"[H. R. 5821, Fifty-eighth Congress, first session.]

"A BILL For the relief of N. C. Fears, administrator of the estate of W. S. Fears, deceased.

"*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any moneys in the Treasury not otherwise appropriated, to N. C. Fears, administrator of the estate of W. S. Fears, deceased, of Henry County, Georgia, the sum of five thousand three hundred dollars and eighty-nine cents, for stores and supplies furnished and taken by the Federal Army during the late *war of the rebellion.*"

The claimant appeared and filed his petition in this case on September 6, 1906, in which he made substantially the following allegations:

That he is a citizen of the United States and a resident of the State of Georgia, and that his testator, W. S. Fears, was a resident and citizen of Henry County, in said State of Georgia, and that said W. S. Fears, deceased, was loyal to the United States throughout the civil war.

That on or about the 16th day of November, 1864, the said W. S. Fears furnished the following stores and supplies to the Union Army through General Kilpatrick, an officer in the Army of the United States:

5 bales cotton and seed of same	$1,050
1,200 bushels corn	1,200
5,000 bundles of fodder	100
1,000 bushels oats in sheaf	500
35 bushels wheat	35
75 bushels pease	60
30 fattening hogs	600
2 brood sows and 18 pigs	18
10 head cattle	200
8 sheep	16
500 bushels sweet potatoes	375
6 barrels of sirup	120
9 head horses and mules	925
900 pounds pork	125
100 chickens and turkeys	40
6 bushels corn meal	5
100 pounds lard	10
2 barrels flour	10
Amounting in all to	5,389

The case was brought to a hearing on loyalty and merits on the 6th day of February, 1908.

Charles W. Clagett, esquire, appeared for the claimant, and the Attorney-General, through George E. Boren, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel on each side, makes the following

FINDINGS OF FACT.

I. The claimant's decedent, W. S. Fears, was loyal to the Government of the United States throughout the late civil war.

II. During said period the military forces of the United States, by proper authority, took from claimant's decedent in Henry County, Ga., certain cotton, as described in the petition, and burned the same as an act of war to prevent its falling into the hands of the enemy, which cotton was then and there reasonably worth the sum of seven hundred and fifty dollars ($750), no part of which appears to have been paid.

III. During said period the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent certain other property of the kind and character described in the petition, exclusive of cotton, which at said time and place was reasonably worth the sum of one thousand seven hundred and sixty-five dollars ($1,765), no part of which appears to have been paid.

IV. The claim herein was never presented to any Department of the Government prior to its presentation to Congress and reference to this court by resolution of the United States House of Representatives, as hereinbefore mentioned, and no reason is given why the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

BY THE COURT.

Filed February 10, 1908.
A true copy.
Test this 11th day of February, A. D. 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 675.

MARGARET A. BLOOM.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF MARGARET A. BLOOM, WIDOW OF ANDREW S. BLOOM, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 14, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 13, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 10623. Margaret A. Bloom, widow of Andrew S. Bloom, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 10th day of February, 1908.

C. D. Pennebaker, esq., appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Fayette, in the State of Kentucky, and is the widow of Andrew S. Bloom, deceased.

2. That said Andrew S. Bloom, on January 20, 1864, was duly appointed or commissioned by the governor of the State of Kentucky as major Seventh Kentucky Cavalry; and that from and after said date the said Andrew S. Bloom assumed and performed all the duties of his said grade until September 1, 1864, when he was mustered in and paid as such; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said Andrew S. Bloom was refused muster and recognition in the grade of major during said period.

3. That during said period the said Andrew S. Bloom was not allowed and paid the pay and allowances of a major, although he was in the continuous performance of the duties of said grade.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

I. Margaret A. Bloom, the claimant of this case, is a citizen of the United States and resident of the county of Fayette in the State of Kentucky.

II. On January 20, 1864, Andrew S. Bloom was appointed major Seventh Regiment Kentucky Volunteer Cavalry. On that date and until he was mustered into the service, to wit, on September 2, 1864, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The third major of said Seventh Regiment Kentucky Volunteer Cavalry being then and thereafter out of service in said grade, the duties of major devolved upon said Andrew S. Bloom, who then and thereafter assumed and performed all the duties of major of said Seventh Regiment Kentucky Volunteer Cavalry until mustered in as such September 2, 1864.

The Governor of the State of Kentucky also issued to said Andrew S. Bloom a commission as major, Seventh Regiment Kentucky Volunteer Cavalry.

III. On the said January 20, 1864, the mustering officer then and thereafter refused to muster the said Andrew S. Bloom as major of said Seventh Regiment Kentucky Volunteer Cavalry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of major until he was mustered into the service as such September 2, 1864.

IV. If the said Andrew S. Bloom should be deemed major of said Seventh Regiment Kentucky Volunteer Cavalry and entitled to the pay of that grade from the period from January 20, 1864, to September 1, 1864, would amount to seven hundred and eighty-nine dollars and twenty cents ($789.20) as reported by the Auditor for the War Department.

BY THE COURT.

Filed February 10, 1908.

A true copy of the findings of fact as filed by the court.

Test this 13th day of February, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 676.

JANE H. HAYNES.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JANE H. HAYNES, WIDOW OF CHARLES H. HAYNES, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 14, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 13, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[In the Court of Claims. Congressional, No. 10700. Jane H. Haynes, widow of Charles H. Haynes, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 10th day of February, 1908.

C. D. Pennebaker appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Bourbon, in the State of Kansas, and is the widow of Charles H. Haynes, deceased.

2. That said Charles H. Haynes, being the captain of Company B, Fourteenth Regiment Kansas Volunteer Cavalry, was duly appointed or commissioned by the governor of the State of Kansas as major thereof on November 22, 1864; and that from and after said date the said Charles H. Haynes assumed and performed all the duties of his said grade until August 18, 1865, when he was mustered out as captain; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said Charles H. Haynes was refused muster and recognition in the grade of major during said period.

3. That during said period the said Charles H. Haynes was allowed and paid only the pay and allowances of a captain, although he was in the continuous performance of the duties of major.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

I. Jane H. Haynes, the claimant of this case, is a citizen of the United States and resident of the county of Bourbon, in the State of Kansas.

II. On November 22, 1864, Charles H. Haynes was captain of Company B, Fourteenth Regiment Kansas Volunteer Cavalry. On that date and until he was mustered out of the service, to wit, on August 18, 1865, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stats. L., p. 734).

The major of said Fourteenth Regiment Kansas Volunteer Cavalry, being then and thereafter out of service in said grade, the duties of major devolved upon said Charles H. Haynes, who then and thereafter assumed and performed all the duties of major of said Fourteenth Regiment Kansas Volunteer Cavalry until August 18, 1865, when mustered out as captain.

The governor of the State of Kansas also issued to said Charles H. Haynes a commission as major of the Fourteenth Regiment Kansas Volunteer Cavalry.

III. On the said November 22, 1864, the mustering officer then and thereafter refused to muster the said Charles H. Haynes as major of said Fourteenth Regiment of Kansas Volunteer Cavalry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of major until he was mustered out of the service as captain August 18, 1865.

IV. If the said Charles H. Haynes should be deemed major of the Fourteenth Regiment of Kansas Volunteer Cavalry and entitled to the pay of that grade, the difference between his pay and allowances as a captain, which he has received, and that of a major, to which he would have been entitled had he been mustered from the period from November 22, 1864, to August 18, 1865, would amount to one hundred dollars and seventy cents ($100.70) as reported by the Auditor for the War Department.

BY THE COURT.

Filed February 10, 1908.

A true copy of the findings of fact as filed by the court.

Test this 13th day of February, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 677.

MARY L. SCOTT.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF MARY L. SCOTT, WIDOW OF PLEASANT S. SCOTT, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 14, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 13, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[In the Court of Claims. Congressional, No. 10785. Mary L. Scott, widow of Pleasant S. Scott, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902. The case was brought to a hearing on its merits on the 10th day of February, 1908.

C. D. Pennebaker, esq., appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Menard, in the State of Illinois, and is the widow of Pleasent S. Scott, deceased.

2. That said Pleasant S. Scott, being the captain of Company E, Eighty-fifth Regiment Illinois Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Illinois as major thereof on May 19, 1865; and that from and after said date the said Pleasant S. Scott assumed and performed all the duties of his said grade until June 19, 1865, when he was mustered out as captain; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, said Pleasant S. Scott was refused muster and recognition in the grade of major during said period.

3. That during said period the said Pleasant S. Scott was allowed and paid only the pay and allowances of a captain in command, although he was in the continuous performance of the duties of major.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and upon briefs and arguments of counsel the court makes the following

FINDINGS OF FACT.

I. Mary L. Scott, widow of Pleasant S. Scott, deceased, the claimant in this case, is a citizen of the United States and resident of the county of Menard, in the State of Illinois.

II. On May 19, 1865, Pleasant S. Scott was captain of Company E, Eighty-fifth Regiment Illinois Volunteer Infantry. On that date and until he was mustered out of the service, to wit, on June 19, 1865, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The major of said Eighty-fifth Regiment Illinois Volunteer Infantry being then and thereafter out of service in said grade, the duties of major devolved upon said Pleasant S. Scott, who then and thereafter assumed and performed all the duties of major of said Eighty-fifth Regiment Illinois Volunteer Infantry.

The governor of the State of Illinois also issued to said Pleasant S. Scott a commission as major of the Eighty-fifth Regiment Illinois Volunteer Infantry.

III. On the said May 19, 1865, the mustering officer then and thereafter refused to muster the said Pleasant S. Scott as major of said Eighty-fifth Regiment Illinois Volunteer Infantry solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of major until he was mustered out of the service as captain, June 19, 1865.

IV. If the said Pleasant S. Scott should be deemed major of the Eighty-fifth Regiment Illinois Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a captain with one servant, which he has received, and that of a major, to which he would have been entitled had he been mustered from the period from May 19, 1865, to June 19, 1865, would amount to sixty-seven dollars and seventy-seven cents ($67.77), as reported by the Auditor for the War Department, including a short payment of $37.41.

Filed February 10, 1908.

A true copy of the findings of fact as filed by the court.

Test this 13th day of February, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 678.

ABBY C. McNETT.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ABBY C. McNETT, WIDOW OF ANDREW J. McNETT, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 14, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 13, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12169-129. Abby C. McNett, widow of Andrew J. McNett, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 27th day of March, 1906. The case was brought to a hearing on its merit on the 10th day of February, 1908.

C. D. Pennebaker, esq., appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in her petition makes substantially the following allegations:

1. That she is a citizen of the United States and resident of the county of Allegany in the State of New York and is the widow of Andrew J. McNett, deceased.

2. The lieutenant-colonel One hundred and forty-first New York Volunteer Infantry was dismissed from the service October 19, 1863, and the colonel of said regiment was killed July 20, 1864. To fill these vacancies Andrew J. McNett was commissioned by the governor of the State of New York as lieutenant-colonel One hundred and forty-first New York Volunteers, October 20, 1863, and as colonel of same regiment July 20, 1864; and that from and after said dates the said Andrew J. McNett assumed and performed all the duties of his said grades, but as said regiment was continuously below the minimum number prescribed by the law and regulation, for this reason, and no other, said Andrew J. McNett was refused muster and recognition in the grade of lieutenant-colonel prior to February 13, 1864, and was never recognized as colonel. He was mustered out as lieutenant-colonel June 26, 1865.

3. That during the period from October 20, 1863, and February 12, 1864, said Andrew J. McNett was paid nothing, and during the period from July 21, 1864, to June 26, 1865, he was allowed only the pay and allowances of a lieutenant-colonel, although he was in the continuous performance of the duties of colonel, in command of the regiment.

Upon the reports furnished by the War and Treasury Departments and upon other evidence and the report of its Auditor the court makes the following

FINDINGS OF FACT.

I. Abby C. McNett, the claimant of this case, is a citizen of the United States and resident of the county of Allegany in the State of New York.

II. The governor of the State of New York issued to said Andrew J. McNett a commission as lieutenant-colonel October 19, 1863, One hundred and forty-first Regiment New York Volunteer Infantry, and as colonel July 20, 1864.

III. On the said dates the mustering officer then and thereafter refused to muster the said Andrew J. McNett as lieutenant-colonel and colonel of said One hundred and forty-first Regiment of New York Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of said grades until he was mustered into the service as lieutenant-colonel February 13, 1863 and was mustered out as lieutenant-colonel June 26, 1865.

IV. If the said Andrew J. McNett should be deemed lieutenant-colonel and colonel One hundred and forty-first Regiment of New York Volunteer Infantry and entitled to the pay of said grades the amount due as reported by the auditor for the War Department is stated as follows:

Lieutenant-colonel's pay and subsistence, October 20, 1863, to February 12, 1864	$475.33
Difference between colonel's and lieutenant-colonel's pay and subsistence from July 21, 1864, to June 26, 1865, date of discharge	293.90
Difference between colonel's and lieutenant-colonel's three months' extra pay, act March 3, 1865	45.00
Difference between colonel's and lieutenant-colonel's travel allowances	2.54
Total due claimant, eight hundred and sixteen dollars and seventy-seven cents	816.77

BY THE COURT.

Filed February 10, 1908.

A true copy of the findings of fact as filed by the court.

Test this 13th day of February, 1908.

[SEAL.]

JOHN RANROLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 679.

PARIS P. HENDERSON.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF PARIS P. HENDERSON AGAINST THE UNITED STATES.

FEBRUARY 14, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 13, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12640-8. Paris P. Henderson v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives on the 16th day of June, 1906. The case was brought to a hearing on its merits on the 10th day of February, 1908.

C. D. Pennebaker, esq., appeared for the claimant, and the Attorney-General, by George M. Anderson, esq., his assistant, and under his direction, appeared for the defense and the protection of the interests of the United States.

The claimant in his petition makes substantially the following allegations:

1. That he is a citizen of the United States and resident in the county of Warren, in the State of Iowa.

2. That he, being the lieutenant-colonel Tenth Regiment Iowa Volunteer Infantry, was duly appointed or commissioned by the governor of the State of Iowa as colonel thereof on August 20, 1863, and that from and after said date he assumed and performed all the duties of his said grade until December 19, 1864, when he was mustered out as lieutenant-colonel; said regiment was continuously below the minimum number prescribed by law and regulation, and for this reason, and no other, he was refused muster and recognition in the grade of colonel during said period.

3. That during said period he was allowed and paid only the pay and allowances of a lieutenant-colonel, although he was in the continuous performance of the duties of colonel.

Upon the reports furnished by the War and Treasury Departments, and upon other evidence, and upon briefs and arguments of counsel, the court makes the following

FINDINGS OF FACT.

I. Paris P. Henderson, the claimant in this case, is a citizen of the United States and resident in the county of Warren, in the State of Iowa.

II. On October 20, 1863, the said Paris P. Henderson was lieutenant-colonel of Tenth Regiment Iowa Volunteer Infantry. On that date, and until he was mustered out of the service, to wit, on December 19, 1864, the same was and continued to be below the minimum number prescribed by General Orders, No. 182, of the War Department, of June 20, 1863, carrying into effect section 20 of the act of Congress approved March 3, 1863 (12 Stat. L., p. 734).

The colonel of said Tenth Regiment Iowa Volunteer Infantry being then and thereafter out of service in said grade, the duties of colonel devolved upon this claimant, who then and thereafter assumed and performed all the duties of colonel of said Tenth Regiment Iowa Volunteer Infantry.

The governor of the State of Iowa also issued to this claimant a commission as colonel Tenth Regiment Iowa Volunteer Infantry.

III. On the said October 20, 1863, the mustering officer then and thereafter refused to muster this claimant as colonel of said Tenth Regiment Iowa Volunteer Infantry, solely because his command was below its minimum strength, as aforesaid, although he continued to perform the duties of colonel until he was mustered out of the service as lieutenant-colonel, December 19, 1864.

IV. If the said Paris P. Henderson should be deemed colonel of the Tenth Regiment Iowa Volunteer Infantry and entitled to the pay of that grade, the difference between his pay and allowances as a lieutenant-colonel, which he has received, and that of a colonel, to which he would have been entitled had he been mustered for the period from October 20, 1863, to December 19, 1864, would amount to three hundred and ninety-two dollars and nine cents ($392.09), as reported by the Auditor for the War Department, including a short payment of $22.49.

BY THE COURT.

Filed February 10, 1908.

A true copy of the findings of fact as filed by the court.

Test this 13th day of February, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 680.

HENRY DAVIS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HENRY DAVIS AGAINST THE UNITED STATES.

FEBRUARY 14, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 13, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 9299. Henry Davis v. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Henry Davis, the person alleged to have furnished such supplies or stores, or from whom the the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed January 13, 1908.

[Court of Claims. Congressional case No. 9299. Henry Davis v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 26th day of February, 1895.

On a preliminary inquiry the court, on the 13th day of January, 1908, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 3d day of February, 1908.

Moyers & Consaul appeared for claimant, and the Attorney-General, by Clark McKercher, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in the county of Madison, State of Alabama; that he resided in said county and State during the late civil war; that during said war, to wit, in 1863 and 1864, the United States military forces, under proper authority, took from petitioner quartermaster stores and commissary supplies of the kinds and values below stated, to wit:

1 horse and 2 mules	$325
1 cow	25
2 sows	30
Total	380

The court upon the evidence, and after considering the briefs and arguments of counsel upon both sides, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from the claimant in Madison County, State of Alabama, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of one hundred and thirty-five dollars ($135).

No payment appears to have been made therefor.

BY THE COURT.

Filed February 10, 1908.
A true copy.
Test this 12th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 681.

ELIJAH WARREN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ELIJAH WARREN AGAINST THE UNITED STATES.

FEBRUARY 14, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 13, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 2285. Elijah Warren v. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Elijah Warren, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed October, 1893.

[Court of Claims. Congressional case No. 2285. Elijah Warren v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims, House of Representatives, on the 14th day of February 1888.

On a preliminary inquiry the court, on the 23d day of October, 1893, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 3d day of February, 1908.

Brandenburg & Brandenburg appeared for claimant, and the Attorney-General, by M. L. Blake, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That during the said war he was a resident of Green County, State of Kentucky, and was the owner and possessor in said State and county of certain quartermaster stores and commissary supplies which in the fall of 1862 and the spring of 1863 were seized and appropriated to the use of the military forces of the United States then stationed and operating in said locality, according to the following bill of items:

1 bay horse	$135
1 brown horse	135
Total	270

The court, upon the evidence and after the consideration of briefs and after the arguments of the respective counsel, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from claimant in Green County, State of Kentucky, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of one hundred and seventy-five dollars ($175).

No payment appears to have been made therefor.

BY THE COURT.

Filed February 10, 1908.
A true copy.
Test this 12th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 689.

ELIJAH B. HAMMONTREE, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ELIJAH B. HAMMONTREE, ADMINISTRATOR OF JOHN HAMMONTREE, AGAINST THE UNITED STATES.

FEBRUARY 18, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 15, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 5216. Estate of John Hammontree, deceased, v. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that John Hammontree, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed January 29, 1906.

[Court of Claims. Congressional case No. 5216. Elijah B. Hammontree, administrator of estate of John Hammontree, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 10th day of July, 1888.

On a preliminary inquiry the court, on the 29th day of January, 1906, found that the person alleged to have furnished the supplies or stores or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 15th day of January, 1908.

William E. Richardson, esq., appeared for claimant, and the Attorney-General, by Frederick DeC. Faust, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That during the civil war the following property was taken from said decedent by and for the use of the United States Army, said property being at the time on the farm of the decedent near Harrisonville, Cass County, Mo.:

On June 30, 1861, by Col. Robert Mitchell, Second Kansas Cavalry—	
12 cords of oak wood	$48
50 bushels of corn	75
2 tons of timothy hay	40
On November 2, 1862, by Colonel Catherwood, Sixth Cavalry, Missouri State Militia—	
1,000 bushels of corn	1,000
7 tons of timothy hay	84
Total	1,247

That decedent presented this claim in the amounts and items above stated to the Quartermaster-General under the act of July 4, 1864, with proofs of his loyalty and of the taking of his property, but said claim was disallowed for the alleged reason that proof of its justice was not made; that no part of said claim has ever been assigned, transferred, or liquidated.

That throughout the civil war John Hammontree, the decedent, was a resident of Cass County, Mo.; that he was in the service of the United States as a member of the Missouri State Militia, and throughout said war remained loyal to the Government of the United States.

That petitioner is a resident of Harrisonville, Cass County, Mo., and is the administrator of the estate of said John Hammontree, deceased.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDING OF FACT.

There was taken from the claimant's decedent in Cass County, Mo., during the late civil war by the military forces of the United States, by proper authority, for the use of the Army, property of the kind and character above described, which at the time and place of taking was reasonably worth the sum of four hundred and twenty-five dollars ($425).

No payment appears to have been made therefor.

By the Court.

Filed February 3, 1908.

A true copy.

Test this 14th day of February, 1908.

[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 690.

PLYMOUTH FRAZIER, JR., ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF PLYMOUTH FRAZIER, JR., ADMINISTRATOR OF PLYMOUTH FRAZIER, SR., AGAINST THE UNITED STATES.

FEBRUARY 18, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 15, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Plymouth Frazier, sr., v. The United States. Congressional, No. 12386.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Plymouth Frazier, sr., the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed October 22, 1906.

[Court of Claims. Congressional case No. 12386. Plymouth Frazier, jr., administrator of Plymouth Frazier, sr., deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims of the House of Representatives on the 16th day of June, 1906.

On a preliminary inquiry the court, on the 22d day of October, 1906, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 3d day of February, 1908.

Ralston & Siddons, esqs., appeared for claimant, and the Attorney-General, by George E. Boren, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That the petitioner is the administrator of the estate of Plymouth Frazier, sr., deceased; that during the civil war said decedent resided in Liberty County, Ga., and remained loyal to the Government of the United States.

That during said war, in the month of December, 1864, at or near the town of Midway, in said State and county, United States forces, being of General Kilpatrick's command of Sherman's army, took from said decedent, for the use of said army for military purposes, the following stores and supplies, for which no payment was made or vouchers or receipts given:

A chestnut mare	$150.00
A buggy and harness	85.00
10 hogs	40.00
25 hives of honey	50.00
1,010 head of poultry	55.00
20 bushels of corn	20.00
15 dozen eggs	5.50
5 bushels of salt	10.00
Lot of kitchen furniture	12.40
Lot of bedding	134.00

That decedent presented to the Commissioners of Claims, under the act of March 3, 1871, a claim for the value of said stores and supplies, which claim was disallowed for the alleged reason that the evidence did not establish the title of the claimant to said property.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

During the late civil war, in the month of December, 1864, the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent, at or near Midway, Liberty County, Ga., property of the kind and character described in the petition (excepting the honey, poultry, and eggs), which was then and there reasonably worth the sum of one hundred and ten dollars ($110), no part of which appears to have been paid.

The honey, poultry, and eggs referred to in the petition were taken by way of depredation, and no allowance is made therefor.

BY THE COURT.

Filed February 10, 1908.
A true copy:
Test this 14th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 691.

JAMES F. HICKS, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JAMES F. HICKS, ADMINISTRATOR OF LARKIN CLARK, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 18, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 15, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12186. James F. Hicks, administrator of Larkin Clark, deceased, *v.* The United States.]

STATEMENT OF CASE.

This is a claim for stores and supplies taken by the United States Army during the war for the suppression of the rebellion.

On the 31st day of March, 1906, the House of Representatives referred to the court a bill in the following words:

"[H. R. 13452, Fifty-ninth Congress, First session.]

"A BILL For the relief of the heirs of Larkin Clark, deceased.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Larkin Clark, late of Hart County, Georgia, the sum of two hundred and twenty-six dollars and eighty cents, in full compensation for stores and supplies taken from said decedent for the use of the Federal Army during the civil war."

The claimant appeared in this court on the 9th day of July, 1906, and filed a petition in which it is substantially averred that:

During the war for the suppression of the rebellion the decedent remained loyal to the Government of the United States and gave no aid or comfort to the rebellion.

That during said war, at the decedent's residence in Hart County, Ga., there was taken from said decedent for the use of the United States Army and used for proper military purposes the following stores and supplies:

650 pounds of flour	$45.50
4 sacks of flour	2.00
460 pounds of middling bacon	92.00
360 pounds of shoulders and hams	64.80
15 bushels of corn	22.50
	226.80

That said property was taken by Capt. John E. Williamson, quartermaster of the Second Brigade, Cavalry Division, District of East Tennessee, and a receipt for the said property in the amounts and values above set forth, signed by said Williamson, was delivered to said decedent, which receipt was afterwards turned over by said decedent to his attorney for the purpose of collecting and was afterwards lost by said attorney, a copy of the same being preserved and filed as an exhibit to the petition of said decedent to the Southern Claims Commission, which said petition and exhibit are now in the files of this honorable court in the present case.

That no payment has been made for said stores and supplies or any part thereof.

That petitioners presented to the Southern Claims Commission on July 24, 1871, a claim for the value of said stores and supplies in the quantities and values above set forth, which said claim was only approved, but was not allowed by said commissioners for the reason that they were not convinced from the evidence adduced that said decedent was loyal throughout the said war.

The case was brought to a hearing on loyalty and merits on the 3d day of February, 1908.

Ralston & Siddons and Edward S. Stewart, esqs., appeared for the claimant, and the Attorney-General, by John Q. Thompson, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. Claimant's decedent, Larkin Clark, was loyal to the Government of the United States throughout the late civil war.

II. During said period the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent, in Hart County, Ga., property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of one hundred and sixty-five dollars ($165), no part of which appears to have been paid.

III. The claim herein was presented to the Southern Claims Commission in the year 1871, and by said Commission disallowed for want of sufficient proof of the loyalty of claimant. Thereafter said claim was presented to Congress and referred to this court by resolution of the House of Representatives, as hereinbefore mentioned, under the provisions of the act of March 3, 1887, known as the Tucker Act.

BY THE COURT.

Filed February 10, 1908.
A true copy,
Test this 14th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 694.

S. C. STEWART, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF S. C. STEWART, ADMINISTRATOR OF J. M. CURRY, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 19, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 18, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12286. S. C. Stewart, administrator of J. M. Curry, deceased, v. The United States.]

STATEMENT OF CASE.

This is a claim for stores and supplies alleged to have been furnished by claimant's intestate, J. M. Curry, to the United States Army during the late civil war. On the 31st day of March, 1906, the House of Representatives, by resolution, referred to the court, under the act of March 3, 1887, commonly known as the Tucker Act, a bill as follows:

"[H. R. 5476, Fifty-ninth Congress, first session.]

"A BILL For the relief of S. C. Stewart, administrator of the estate of J. M. Curry, deceased.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, directed and authorized to pay, out of any money in the Treasury of the United States not otherwise appropriated, to S. C. Stewart, administrator of the estate of Doctor J. M. Curry, deceased, late of Henry County, Georgia, the sum of six hundred and sixty-seven dollars, in full compensation for stores, stock, horses, and supplies taken by

The case was brought to a hearing on its merits on the 3d day of February, 1908.

Moyers & Consaul appeared for claimant, and the Attorney-General, by Clark McKercher, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in the county of Madison, State of Alabama; that he resided in said county and State during the late civil war; that during said war, to wit, in 1863 and 1864, the United States military forces, under proper authority, took from petitioner quartermaster stores and commissary supplies of the kinds and values below stated, to wit:

1 horse and 2 mules	$325
1 cow	25
2 sows	30
Total	380

The court upon the evidence, and after considering the briefs and arguments of counsel upon both sides, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from the claimant in Madison County, State of Alabama, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of one hundred and thirty-five dollars ($135).

No payment appears to have been made therefor.

BY THE COURT.

Filed February 10, 1908.

A true copy.

Test this 12th day of February, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 681.

ELIJAH WARREN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ELIJAH WARREN AGAINST THE UNITED STATES.

FEBRUARY 14, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 13, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 2285. Elijah Warren v. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Elijah Warren, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed October, 1893.

[Court of Claims. Congressional case No. 2285. Elijah Warren v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims, House of Representatives, on the 14th day of February 1888.

On a preliminary inquiry the court, on the 23d day of October, 1893, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 3d day of February, 1908.

Brandenburg & Brandenburg appeared for claimant, and the Attorney-General, by M. L. Blake, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That during the said war he was a resident of Green County, State of Kentucky, and was the owner and possessor in said State and county of certain quartermaster stores and commissary supplies which in the fall of 1862 and the spring of 1863 were seized and appropriated to the use of the military forces of the United States then stationed and operating in said locality, according to the following bill of items:

1 bay horse	$135
1 brown horse	135
Total	270

The court, upon the evidence and after the consideration of briefs and after the arguments of the respective counsel, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from claimant in Green County, State of Kentucky, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of one hundred and seventy-five dollars ($175).

No payment appears to have been made therefor.

BY THE COURT.

Filed February 10, 1908.
A true copy.
Test this 12th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 689.

ELIJAH B. HAMMONTREE, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ELIJAH B. HAMMONTREE, ADMINISTRATOR OF JOHN HAMMONTREE, AGAINST THE UNITED STATES.

FEBRUARY 18, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 15, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 5216. Estate of John Hammontree, deceased, v. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that John Hammontree, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed January 29, 1906.

[Court of Claims. Congressional case No. 5216. Elijah B. Hammontree, administrator of estate of John Hammontree, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 10th day of July, 1888.

On a preliminary inquiry the court, on the 6th day of February, 1905, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 6th day of January, 1908.

George A. & Wm. B. King, esqs., appeared for claimant, and the Attorney-General, by A. C. Campbell, esq., his assistant, and under his direction, appeared f r the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That the following property belonging to Albert Godbee was taken from him by Sherman's army, in Clayton County, Ga., on the 30th of August, 1864:

1 mare	$150.00
1 horse	100.00
2,488 pounds pork hogs, at 14 cents	347.20
300 bushels of corn	300.00
9 bushels of oats	9.00
300 pounds of bacon, at 20 cents	60.00
100 pounds of lard, at 20 cents	20.00
	986.20

That the claim was presented to the Southern Claims Commission, the items of said claim being as heretofore stated.

Said claim was not allowed by said tribunal, the ground for said action being that it was not satisfied that the original claimant, Albert Godbee, was loyal.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDING OF FACT.

There was taken from the claimant's decedent in Clayton County, State of Georgia, by the military forces of the United States, by proper authority, for the use of the Army, property of the kind and character above described which at the time and place of taking was reasonably worth the sum of four hundred and thirty dollars ($430). No payment appears to have been made therefor.

BY THE COURT.

Filed February 3, 1908.
A true copy.
Test this 18th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 697.

HEIRS OF JOSHUA WHITE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HEIRS OF JOSHUA WHITE, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 19, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 18, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12728. Heirs of Joshua White v. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Laura White, Mary White, Robert D. White, Henry White and Sandy White, the persons alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, were loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed January 13, 1908.

[Court of Claims. Congressional case No. 12728. Mary E. White, S. M. White, Robert D. White, Henry K. White, and Laura B. Alexander, heirs of Joshua White, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the

Committee on War Claims of the House of Representatives on the 18th day of January, 1907.

On a preliminary inquiry the court, on the 13th day of January, 1908, found that the persons alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, were loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 3d day of February, 1908.

Ralston & Siddons, esqs., appeared for claimant, and the Attorney-General, by Clark McKercher, esq., his assistants, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimants in their petition make the following allegations:

That Joshua White, the father of your petitioners, died intestate in Clarke County, Va., on March 21, 1862, leaving surviving him your petitioners, Henry K. White, Robert D. White, Mary E. White, S. W. White, Laura B. Alexander, as his sole heirs at law, and a widow, Mary White, since deceased. That said Joshua White died leaving certain real and personal property, of which your petitioners and said Mary White were sole owners and in actual possession thereof at the times hereinafter mentioned; that administration proceedings upon the estate of said Joshua White were not had until September 11, 1866, when said Mary White, the widow of Joshua White, deceased, was appointed by the court to take charge of the assets of said estate.

That during the year 1863 the military forces of the United States took from your petitioners, as heirs of said Joshua White, deceased, and actually used for necessary military purposes, certain stores and supplies then and there reasonably worth the sum of $2,205, consisting of horses, corn, and hay, for which no payment has ever been made to your petitioners or any other person.

That at the passage of the act of March 3, 1871, creating the Southern Claims Commission, said Mary White, administratrix of Joshua White, deceased, presented this claim to said Commission and submitted proof of the facts necessary to sustain said claim, but notwithstanding this fact said Commission rejected the claim because the evidence did not establish the loyalty of said Joshua White, which, your petitioners now allege, is wholly immaterial because of the fact that said Joshua White had died prior to the taking of said property.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

During the late civil war there was taken from claimants in Clarke County, Va., by the military forces of the United States, by proper authority, for their use, property of the kind and character described in the petition, in which property the claimants herein were the joint owners of a two-thirds interest. The reasonable value of such two-thirds interest in said property at the time and place of taking was the sum of five hundred and fifty dollars ($550), no part of which appears to have been paid.

BY THE COURT.

Filed February 10, 1908.
A true copy.
Test this 18th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 698.

JESSE A. WALLACE.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JESSE A. WALLACE AGAINST THE UNITED STATES.

FEBRUARY 19, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 18, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12374. Jesse A. Wallace v. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Jesse A. Wallace, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed January 13, 1908.

[Court of Claims. Congressional case No. 12374. Jesse A. Wallace v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims, House of Representatives, on the 19th day of May, 1908.

On a preliminary inquiry the court, on the 13th day of January, 1908, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 6th day of February, 1908.

Ralston & Siddons, attorneys, and Edward S. Stewart of counsel, esqs., appeared for claimant, and the Attorney-General, by Clark McKercher, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States and a resident of Hamilton County, Tenn. That throughout said war he remained loyal to the Government of the United States, giving no voluntary aid or comfort to the rebellion.

That during the month of October, 1863, the following stores and supplies were taken from him for the use of the United States Army, no receipts or vouchers being given therefor, except as hereinafter stated, and no payment was made for the same or any part thereof. Said stores and supplies taken near the town of Soddy, in Hamilton County, Tenn., by troops under the command of General Hazen, as follows:

12 acres of corn, averaging 25 bushels per acre, 300 bushels, at $1 per bushel	$300.00
3,000 pounds hay, at $1 per hundred	30.00
25 dozen oats, at $0.25	6.25
1,000 rails for fuel averaging 1 cord to each 100 rails, at $2.50 per cord	25.00
Total	361.25

That the only receipt or voucher given to him was a memorandum receipt for 400 pounds of hay.

That the petitioner presented this claim to the Quartermaster-General under the act of July 4, 1864, but the same was not allowed for the reason that the evidence submitted to that officer failed to satisfy him of the quantities of supplies taken.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the army, took from the claimant in Hamilton County, State of Tennessee, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of two hundred and fifteen dollars ($215).

No payment appears to have been made therefor.

BY THE COURT.

Filed February 10, 1908.
A true copy.
Test this 18th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 699.

T. F. VANN, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF T. F. VANN, ADMINISTRATOR OF LEROY CAMPBELL, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 19, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 18, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Estate of Leroy P. Campbell, deceased, *v.* The United States. Congressional, No. 7040.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Leroy P. Campbell, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed May 7, 1906.

[Court of Claims. Congressional case No. 7040. T. F. Vann, administrator of the estate of Leroy Campbell, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims of the House of Representatives on the 26th day of February, 1889.

On a preliminary inquiry the court, on the 7th day of May, 1906, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 14th day of January, 1908.

Ralston & Siddons, esqs., appeared for claimant, and the Attorney-General, by S. S. Ashbaugh, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That the decedent, Leroy P. Campbell, owned about 5 acres of land near Brownsboro, Madison County, Ala., which land was then improved by a two-story, five-room frame dwelling house, a smokehouse, workshop, and fencing; that said improvements were removed and used by the United States Army for the purpose of constructing a blockhouse, which was built on claimant's ground, and for building shelters for the troops in camp, and for firewood, the property so taken and used being as follows:

September, 1863, 100 panels of board fence, worth 50 cents per panel	$50
Summer of 1864:	
Dwelling house, materials valued at	700
Smokehouse, materials valued at	150
Workshop, materials valued at	200
Total	1,100

That said property was taken by a pioneer corps and by the Tenth Missouri Infantry Volunteers, commanded by Colonel Diamond and Lieutenant McDonald.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, took possssion of and tore down the frame buildings described in the petition, property of claimant's decedent, in Madison County, Ala., and used the lumber obtained thereby in erecting blockhouses and in building quarters for the troops. The reasonable value of the buildings so destroyed was at the time and place the sum of four hundred and seventy-five dollars ($475), no part of which appears to have been paid.

BY THE COURT.

Filed February 3, 1908.

A true copy.

Test this 18th day of February, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 700.

JULY ANDERSON, JR., ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JULY ANDERSON, JR., ADMINISTRATOR OF JULY ANDERSON, SR., AGAINST THE UNITED STATES.

FEBRUARY 19, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 18, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional. No. 12385. Estate of July Anderson, sr., *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that July Anderson, sr., deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed October 22, 1906.

[Court of Claims. Congressional case No. 12385. July Anderson, jr., administrator of July Anderson, sr., deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the

Committee on War Claims of the House of Representatives on the 16th day of June, 1906.

On a preliminary inquiry the court, on the 22d day of October, 1906, found that the claimant, alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States during the war.

The case was brought to a hearing in its merits on the 3d day of February, 1908.

Mr. [illegible], in addition, appeared for claimant, and the Attorney-General, by [illegible], Esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That the petitioner is a resident of Limerick, Liberty County, Ga., and files this [illegible] of July Anderson, sr., deceased.

That during the civil war said decedent resided in said State and county and [illegible] to the Government of the United States.

That during said war, on or about the month of December, 1864, General Kilpatrick, commanding of Sherman's army, took from said claimant for the use of said army the following stores and supplies, for which no payment was made and no receipt or vouchers given:

[illegible]	$300.00
[illegible]	475.00
[illegible]	150.00
[illegible] and fowls	14.00
About 5 pounds of butter	1.25
[illegible] of flour	6.00
Total	946.75

That the petitioner presented a claim for the value of said property to the Commissioners of Claims under the act of March 3, 1871, but said claim was disallowed for the alleged reason that the evidence failed to establish the title and ownership of said property.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent in Liberty County, State of Georgia, property of the kind and character described in the petition, exclusive of the chickens and ducks, which at the time and place of taking was reasonably worth the sum of two hundred and eighty dollars ($280). No payment appears to have been made therefor.

No allowance is made for said chickens and ducks, as it appears that the same were taken by way of depredation.

By the Court.

Filed February 10, 1908.
A true copy.
Test this 18th day of February, 1908.
[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 701.

TRUSTEES OF ALLEGHANY COLLEGE, OF BLUE SULPHUR, W. VA.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF TRUSTEES OF ALLEGHANY COLLEGE, OF BLUE SULPHUR, W. VA., AGAINST THE UNITED STATES.

FEBRUARY 19, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 18, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional case No. 12310. Trustees of Allegheny College, of Blue Sulphur, W. Va., *v.* The United States.]

STATEMENT OF CASE.

This is a claim for the destruction of college buildings by the military forces of the United States during the late civil war. On the 31st day of March, 1906, the House of Representatives referred to the court a bill in the following words:

"[H. R. 8841, Fifty-ninth Congress, first session.]

"A BILL Granting relief to the trustees of Allegheny College, at Blue Sulphur, Greenbrier County, West Virginia.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the trustees, or any surviving trustee or trustees of Allegheny College, at Blue Sulphur, in the county of Greenbrier, State of West Virginia, the sum of thirty

thousand dollars, the value of the buildings of said Allegheny College destroyed in eighteen hundred and sixty-four by fire set by soldiers of the United States of the Ninety-first Regiment Ohio Volunteer Infantry, under the command of Captain Blazer, and by other United States soldiers."

The claimants appeared in this court on the 1st day of November, 1906, and filed their petition, in which it is substantially averred:

That during the late war for the suppression of the rebellion, and on or about October, 1864, the military forces of the United States under command of Capt. Richard Blazer (formerly of the Ninety-first Ohio Regiment) took possession of the college buildings belonging to the Allegheny College, of Blue Sulphur, Greenbrier County, W. Va., and while in possession thereof totally destroyed by fire the said buildings and contents. That said property at the time of its destruction as aforesaid was reasonably worth the sum of $30,000, for which no payment has been made.

The case was brought to a hearing on loyalty and merits on the 10th day of February, 1908.

G. W. Z. Black, esq., appeared for the claimants, and the Attorney-General, by W. W. Scott, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. The Alleghany College, of Blue Sulphur, W. Va., as an organization, was loyal to the Government of the United States throughout the late civil war.

II. In the year 1859 the claimant herein had contracted with one Williams to purchase from him the property known as the Blue Sulphur Springs, situated in Greenbrier County, W. Va., and consisting of 146 acres of land and about 20 small cottages, for and in consideration of $40,000, for which the claimant had executed four bonds in the sum of $39,900, payable on the 1st day of November, 1861, and the first days of June, 1862, 1863, and 1864, respectively. Subsequent to the purchase, and about the year 1859, said claimant took possession of said property under said contract and erected a brick building thereon for use as a college at a cost of about $18,000. The property was soon after abandoned for college purposes. Up to the year 1864 the claimant had paid to said Williams upon said contract the sum of $34,500 in Confederate money, which sum was all that the claimant ever paid of the purchase price of said property. The balance of principal and interest in about the sum of $10,000 remained unpaid. On or about the year 1875, the administrator of said Williams, who was then deceased, foreclosed a vendor's lien on said property for the same, and pursuant to a decree rendered therein said property was sold and conveyed to a third party for a sum not more than enough to pay said balance of principal and interest with costs.

In the year 1864, while said property was in the possession of the claimant and before the sale of the same upon the said foreclosure proceedings, said college so erected by the claimant was set fire to by Federal soldiers on a scouting expedition, and the same, together with some smaller buildings near it and used in connection with the same and some personal property therein belonging to the claimant, was burned and destroyed. Why said buildings were burned, and under whose orders, if any, or whether the same were burned to keep the buildings from falling into the hands of the Confederate forces, then in camp about 2 miles from there, does not appear. The reasonable value of the buildings and personal property so destroyed at the time and place was the sum of sixteen thousand dollars ($16,000), for which no payment appears to have been made.

III. The foregoing claim was never presented to any department of the Government prior to its presentation to Congress and reference to this court by resolution of the House of Representatives as aforesaid, and no reason is given why the bar of the statute of limitations should be removed or which shall excuse the claimant for not having resorted to any established remedy.

BY THE COURT.

Filed February 17, 1908.
A true copy.
Test this 18th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 735.

JANE S. BISHOP, EXECUTRIX.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF JANE S. BISHOP, EXECUTRIX OF E. W. BISHOP, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 29, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 27, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 1438. Estate of Edmund W. Bishop, deceased, v. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Edmund W. Bishop, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed April 22, 1901.

[Court of Claims. Congressional, No. 1438. Jane S. Bishop, executrix of E. W. Bishop, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 4th day of March, 1887.

On a preliminary inquiry the court, on the 22d day of April, 1901, found that the person alleged to have furnished the supplies or stores, or from whom they were

alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 12th day of February, 1908.

Messrs. George A. & Wm. B. King, esqs., appeared for claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in her petition makes the following allegations:

That the following property belonging to E. W. Bishop was taken from him by the United States Army and used by the said Army, the date, place, and command being particularly stated below:

In Phelps County, in the State of Missouri, on or about the following days and years, by the Army of the United States, using the same for the following periods at Rolla, in said county, to wit:

From August 1, 1861, to August 1, 1865, 80 acres, S. ½ of SW. ¼ sec. 1, T. 37, R. 8	$400
From September, 1861, to September, 1864, W. ½ of blocks 29, 32, and 39, and all of blocks 30, 31, 40, 41, and 50, and 18 acres of meadow land	1,200
From March, 1862, to October, 1864, lots 1, 2, 3, 5, 6, 7, and 8, in block 42, and north part of block 49	450
From November, 1861, to September, 1865, lots 5, 6, and 7, in block 51	690
From June, 1861, to August, 1861, rent of building and lot 1, block 49, and for house on lot 7, block 26	75
From March, 1862, to March, 1863, two-story frame store on lot 1, block 57	800
From June, 1861, to August, 1861, building for hospital purposes on lot 4, block 35	75
From July 31, 1861, to August 1, 1865, block 33, for quarters	200
In 1862, timber cut from 30 acres, SW. ¼ sec. 12, T. 37, R. 8, used in construction of fort	600
From September 28, 1864, to October 31, 1864, use of two-story building, 44 by 82, on block 47	250
From 1862 to October, 1865, use of lot 8, block 52	100
From February 1, 1862, to October 30, 1865, 10 acres in NE. cor. of SW. ¼ SW. ¼ sec. 12, T. 37, R. 8, used as corral	400
Total	5,240

That a claim for the said property was presented to the Quartermaster-General of the United States Army, the items of said claim being as heretofore stated.

Said claim was not allowed by said tribunal, the ground for said action being that it was not considered that the claim was subject to the jurisdiction of the Quartermaster-General.

Howry, J., not being present on account of illness, took no part in making up these findings.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took possession of the lands and buildings described in the petition belonging to claimant's decedent, at or near Rolla, Phelps County, Mo., and used and occupied the same for military purposes. The reasonable rental value of such property was at the time and place the sum of six hundred dollars ($600), no part of which appears to have been paid.

The claim for timber herein is abandoned.

BY THE COURT.

Filed February 25, 1908.

A true copy.

Test this 27th day of February, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 736.

MERIT F. THOMAS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF MERIT F. THOMAS AGAINST THE UNITED STATES.

FEBRUARY 29, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 27, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12233. Merit F. Thomas *v.* The United States.]

STATEMENT OF CASE.

In the above-entitled claim for property belonging to Merit F. Thomas and Willis M. Allman, taken from them by the United States Army and used by the said Army, in Lawrence County, State of Missouri, during the civil war, a bill was introduced in the Fifty-ninth Congress, first session, as follows:

"[H. R. 3975.]

"A BILL For the relief of M. F. Thomas.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to M. F. Thomas the sum of one thousand two hundred dollars, to reimburse him for the loss of meat and three head of horses taken from him by the United States Army during the civil war."

Said bill was referred to this court by resolution of the House of Representatives on the 9th day of April, 1906, for findings of fact under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The case was brought to a hearing on loyalty and merits on the 19th day of February, 1908.

George A. & William B. King appearing for the claimant, and the Attorney-General, by W. W. Scott, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he was a resident of the State of Missouri during the late war and did not give any aid or comfort to the said rebellion, but was throughout that war loyal to the Government of the United States.

That the following property belonging to M. F. Thomas and Willis M. Allman was taken from them by the United States Army and used by the said Army, the date, place, and command being particularly stated below:

In Lawrence County, in the State of Missouri, on or about the spring of 1863, by United States troops of the command of Gen. Thomas Ewing, to wit:

3 head of horses, of the value of	$400
Bacon from 32 hogs, of the value of	800
Total	1,200

That a claim for said property was presented to the Fifty-ninth Congress, the items of said claim being as heretofore stated.

Howry, J., not being present, on account of illness, took no part in making up these findings.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

I. Merit F. Thomas was loyal to the Government of the United States throughout the late civil war.

II. During said period there was taken by the military forces of the United States, by proper authority, for the use of the Army, from the claimant's agent in Lawrence County, Mo., property of the kind and character described in the petition, which property was jointly owned by the claimant herein, Merit F. Thomas, and one Willis M. Allman, which at the time and place of taking was reasonably worth the sum of four hundred and twenty dollars ($420), one-half of which, or the interest of the claimant therein, is two hundred and ten dollars ($210), no part of which appears to have been paid.

No claim has been filed on behalf of Willis M. Allman, owner of the other half of said property.

III. The claim herein was never presented to any department of the Government prior to its presentation to Congress and reference to this court by resolution of the House of Representatives, as hereinbefore set forth in the statement of the case, and no reason is given why the bar of any statute of limitation should be removed or which shall excuse the claimant for not having resorted to any established legal remedy.

BY THE COURT.

Filed February 25, 1908.
A true copy.
Test this 27th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 737.

AMMON F. LINDLEY, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF AMMON F. LINDLEY, ADMINISTRATOR OF MARTHA W. LINDLEY, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 29, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 27, 1908.

SIR: Pursuant to the order, of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 4326. Martha Lindley v. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Martha Lindley, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed December 24, 1906.

[In the Court of Claims of the United States. Congressional, No. 4326. Ammon F. Lindley, administrator of the estate of Martha W. Lindley, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims of the House of Representatives on the 20th day of April, 1888.

On a preliminary inquiry the court, on the 24th day of December, 1906, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 17th day of February, 1908.

C. A. Brandenburg, esq., appeared for claimant and the Attorney-General, by F. De C. Faust, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is the duly qualified and acting administrator of the estate of Martha W. Lindley, deceased; that said Martha W. Lindley was a resident of the town of Meridian, in the State of Mississippi, throughout the period of time covered by the war for the suppression of the rebellion and was loyal to the United States.

That during the months of February and March, 1864, in said town of Meridian, the United States military forces took from said Martha W. Lindley and converted to their use stores and supplies hereinafter set forth, the legal title to which was then and there in said Martha W. Lindley as executrix and trustee of the estate of her deceased husband, Ammon H. Lindley, who died shortly before the property was taken, said Martha W. Lindley being entitled to one-third of said property upon distribution, and her children being entitled to two-thirds upon distribution, and that no payment was ever made to her or anyone representing her for said property:

1 mare	$150.00
1 horse	150.00
1 yoke oxen and wagon	175.00
1,500 pounds bacon, at 20 cents per pound	300.00
750 pounds salted pork, at 12 cents per pound	90.00
75 bushels corn	75.00
1,500 pounds fodder, at $1 per 100 pounds	15.00
1 heifer, 2 years old	10.00
Making a total of	965.00

The said Martha W. Lindley presented a claim for said stores and supplies to the Commissioners of Claims under the act of Congress of March 3, 1871, but said Commissioners rejected the claim on the ground that the will of Ammon L. Lindley was not produced or its contents proven, and that there was no proof to show who were the heirs, legatees, or devisees of Ammon H. Lindley, or their loyalty.

Howry, J., not being present on account of illness, took no part in making up these findings.

The court, upon the evidence and after considering the briefs and arguments of counsel on each side, makes the following

FINDINGS OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent, in Lauderdale County, State of Mississippi, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of three hundred and twenty dollars ($320), no part of which appears to have been paid.

BY THE COURT.

Filed February 25, 1908.
A true copy.
Test this 27th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 743.

ROBERT B. HOWARD.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF ROBERT B. HOWARD, HEIR OF JAMES B. HOWARD, DECEASED, AGAINST THE UNITED STATES.

MARCH 2, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 29, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 4495. Estate of James B. Howard, deceased, *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that James B. Howard, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed February 1, 1904.

[Court of Claims. Congressional Case No. 4495. Robert B. Howard, heir of James B. Howard, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims of the House of Representatives on the 4th day of May, 1888.

On a preliminary inquiry the court, on the 1st day of February, 1904, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 5th day of February, 1908.

George A. & Wm. B. King, esqs., appeared for claimant, and the Attorney-General, by Charles F. Kincheloe, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That the following property belonging to James B. Howard was taken from him by the United States Army and used by the said Army, the date, place, and command being particularly stated below:

In Charleston County, in the State of South Carolina, on or about the 18th day of February, 1865, by United States troops of the command of General Hatch, namely, Captain Lewis, harbor master; Lieut. W. F. Dodge, Capt. A. W. Colwell, J. Lanahan, captain, Third R. I. A., to wit:

One lighter, sloop rigged	$1,500
18 cords of wood stored on said lighter, at $4 a cord	72
200 cords of oak wood on wharf, at $6 a cord	1,200
52¼ cords wood on next wharf, at $4 per cord	209
Total	2,981

That a claim for said property was presented to the Southern Claims Commission, the items of said claim being as heretofore stated.

Said claim was not allowed by said tribunal, the ground for said action being that it was not considered that the claimant was loyal.

Howry, J., not being present on account of illness, took no part in making up these findings.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

On or about the 18th day of February, 1865, the military forces of the United States, by proper authority, took from claimant's decedent in Charleston County, S. C., property of the kind and character described in the petition, which was then and there reasonably worth the sum of eleven hundred dollars ($1,100), no part of which appears to have been paid.

BY THE COURT.

Filed February 25, 1908.
A true copy.
Test this 27th day of February, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 744.

PHILIP MICHAEL.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF PHILIP MICHAEL, SON OF PHILIP MICHAEL, DECEASED, AGAINST THE UNITED STATES.

MARCH 2, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 29, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 7650. Estate of Philip Michael, deceased, v. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Philip Michael, since deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed June 16, 1898.

[Court of Claims. Congressional case No. 7650. Philip Michael, son of Philip Michael, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims of the House of Representatives on the 23d day of April, 1890.

On a preliminary inquiry the court, on the 16th day of June, 1898, found that the person alleged to have furnished the supplies or stores, or from whom they were

alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 20th day of January, 1908.

George A. & Wm. B. King, esqs., appeared for claimant, and the Attorney-General, by George E. Boren, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That the following property belonging to Philip Michael was taken from him by the United States Army and used by the said Army, the date, place, and command being particularly stated below:

In Barry County, in the State of Missouri, on or about the dates and by the commands of the United States Army hereinafter specified, to wit:

Taken December, 1863:	
14 hogs, at $4 per head	$56
Taken December 1, 1863, by Lieutenant Garner, First Regiment Arkansas Cavalry Volunteers:	
1 mare	150
Taken in 1863 by Generals Brown and Totten:	
18 acres corn, 40 bushels per acre, 720 bushels, at 50 cents	360
Taken by Peck's artillery volunteers in 1863:	
1,000 bundles of fodder, at $1.50 per 100	15
100 bushels of corn, at 50 cents per bushel	50
Taken March, 1864, by Captain Ray's men:	
1 horse	50
Total	681

That claims for said property were presented to the Commissary and Quartermaster Generals of the United States Army, the items of said claims being as afore stated.

Said claims were not allowed by said tribunals, the ground for said action being it was considered that the merits of the claims had not been satisfactorily established.

That the said claim has been presented to the Fifty-first Congress, and was by the House of Representatives of the said Fifty-first Congress referred to the Committee on War Claims of said House, by which committee it was on the 23d day of April, 1890, referred to this court for a finding of the facts in accordance with section 1 of an act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDING OF FACT.

There was taken by the military forces of the United States, by proper authority, for the use of the Army, from the claimant's decedent in Barry County, Mo., during the late civil war, property of the kind and character above described, which at the time and place of taking was reasonably worth the sum of four hundred and twenty-five dollars ($425).

No payment appears to have been made therefor.

BY THE COURT.

Filed February 3, 1908.

A true copy.

Test this 29th day of February, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 745.

REQUESTING RETURN TO COURT OF CLAIMS OF FINDINGS IN CASE OF J. C. STEWART, ADMINISTRATOR.

LETTER FROM THE CHIEF JUSTICE OF THE COURT OF CLAIMS REQUESTING THAT THE FINDINGS FILED BY THE COURT IN THE CASE OF J. C. STEWART, ADMINISTATOR OF THE ESTATE OF J. M. CURRY, (NO. 12286, CONGRESSIONAL) BE RETURNED TO THE COURT OF CLAIMS.

MARCH 3, 1908.—Referred to the Committee on War Claims and ordered to be printed.

UNITED STATES COURT OF CLAIMS,
Washington, D. C., March 3, 1908.

SIR: I transmit herewith a communication received on yesterday from Hon. John Q. Thompson, Assistant Attorney-General having charge of cases in this court on behalf of the United States, in which he says, respecting the case of J. C. Stewart, administrator of the estate of J. M. Curry, deceased, No. 12286, Congressional, "that since findings were made by the court and the same certified to Congress this office has received a communication from the Adjutant-General dated February 27, 1908, filed in the Court of Claims on the 29th, in which he corrects a former report made concerning certain voucher on file in his office," with the further statement that it is possible the former report may have misled the court, and for that reason he asks that the findings so certified be recalled for further consideration.

In compliance, therefore, with the communication of the Assistant Attorney-General I have the honor to request that the findings so certified on February 18, 1908, be returned to the court for further consideration.

Respectfully,

STANTON J. PEELLE,
Chief Justice.

Hon. JOSEPH G. CANNON,
Speaker of House of Representatives.

DEPARTMENT OF JUSTICE,
Washington, March 2, 1908.

SIR: In the case of J. C. Stewart, administrator estate of J. M. Curry, No. 12286, I have the honor to state that since findings were made by the court and the same certified to Congress this office has received a communication from the Adjutant-General dated February

27, 1908, filed in the Court of Claims on the 29th, in which he corrects a former report made concerning certain voucher on file in his office. The communication is in part as follows:

> I have the honor to inform you that upon a reexamination of the records it appears that the voucher referred to in said statement as having been signed at Augusta, Ga., August 15, 1864, by one J. M. Curry, M. D., was signed by J. W. Curry, M. D. Nothing has been found in the Confederate archives in this office to show that a Dr. J. M. Curry, of Butts County, Ga., served as a surgeon or as a contract surgeon in the Confederate States army.

It is possible the former report may have misled the court, and I therefore call your attention to the later communication in order that you may recall the findings for further consideration, if you deem such action justifiable.

Very respectfully, yours,

JOHN Q. THOMSON,
Assistant Attorney-General.

Hon. STANTON J. PEELLE,
Chief Justice Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 751.

GEORGE LEONARD.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF GEORGE LEONARD, ADMINISTRATOR OF CATHERINE MORIN, DECEASED, AGAINST THE UNITED STATES.

MARCH 5, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, March 2, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 9922. George Leonard, administrator estate of Catherine Morin, deceased, *v.* The United States.]

STATEMENT OF CASE.

This is a claim for stores and supplies furnished to, or taken by the military forces of the United States during the war for the suppression of the rebellion, and for the use, occupancy, and damage to the farm of the deceased claimant and the buildings thereon, by said military forces during the said war. On the 15th day of February, 1899, the House of Representatives referred to the court a bill in the following words:

"[H. R. 1461, Fifty-fifth Congress, first session.]

"A BILL For the relief of the heirs of Catherine Morin.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alfred T. Morin, J. R. Morin, Sallie A. Stillwell, Edward H. Morin, Mary L. Bates, Keturah M. Bennett, Richard Morin, and Alice Morin, heirs of Catherine Morin, deceased, late of Campbell County, Kentucky, the sum of five thousand eight hundred and forty dollars, in compensation for the use and occupation of and damages done to property and for property taken, used, consumed, and destroyed by the United States troops during the war of the rebellion."

The claimant appeared in the court May 18, 1905, and thereafter, by his amended petition, substantially averred:

That during the war for the suppression of the rebellion Catherine Morin, his decedent, resided near the town of Newport, in Campbell County, Ky., and w

loyal to the Government of the United States; that while residing in said county real and personal property owned by her was taken and used or damaged by the United States troops as follows:

Apple crop, about 1,500 barrels, at $1.26⅔ per barrel	$1,900
Potatoes and other vegetables	1,100
500 panels of new board fence, used for firewood	500
3 horses, at $150 each	450
2 wagons, at $150 each	300
Harness	50
Canned fruit, used in the army hospital	200
20 cords of wood, 40 cords to the acre, at $1 per cord	800
Rail fence burned for firewood	1,000
Use and occupation of dwelling house, stable, and other buildings, and of the land, and damages thereto	2,000
Making a total of	8,300

The case was argued and submitted on loyalty and merits on the 13th day of February, 1908.

Frank B. Crosthwaite, esq., appeared for the claimant, and the Attorney-General, by Franklin W. Collins, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

Howry, J., not being present on account of illness, took no part in making up these findings.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

I. Claimant's decedent, Catherine Morin, was loyal to the Government of the United States throughout the late civil war.

II. During said period the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent in Campbell County, State of Kentucky, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of eleven hundred and five dollars ($1,105), no part of which appears to have been paid.

III. The claim herein was never presented to any department or officer of the Government prior to its presentation to the Fifty-fifth Congress and reference to this court by resolution of the House of Representatives, February 15, 1899, as hereinbefore set forth in the statement of the case, and no reason is given why the bar of any statute of limitation should be removed or which shall excuse the claimant for not having resorted to any established legal remedy.

BY THE COURT.

Filed February 25, 1908.
A true copy.
Test this 2d day of March, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 757.

GEORGE A. SMITH.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF GEORGE A. SMITH AGAINST THE UNITED STATES.

MARCH 10, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, March 9, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims of the United States. Congressional, No. 12648. George A. Smith *v.* The United States.]

STATEMENT OF THE CASE.

This is a claim for two months' extra pay as major and bridgade surgeon, United States Volunteers, on account of claimant having been discharged from the service of the United States while ill of typhoid fever, and in consequence of said illness claimant was unable to perform work of any kind for two months after his discharge.

On January 8, 1907, the Committee on War Claims of the House of Representatives referred to this court a bill in the following words:

"[H. R. 21745, Fifty-ninth Congress, second session.]

"A BILL For the relief of Major George A. Smith.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to Major George A. Smith, of Clinton County, Iowa, out of any money in the Treasury not otherwise appropriated, the sum of four hundred and sixteen dollars and sixty-seven cents, being the amount of two months' salary as major and brigade surgeon, United States Volunteers, of which he was deprived by reason of the delay in forwarding his discharge."

The claimant appeared in this court on the 18th day of March, 1907, and filed his petition, in which it is substantially averred:

That he is a citizen of the United States, and that during the late Spanish-American war he was major and brigade surgeon, United States Volunteers; that he was

taken ill with typho-malarial fever about September 1, 1898, while in regular line of duty; that on September 16, 1898, he was granted thirty days' sick leave of absence from Sternberg, United States General Hospital, Chickamauga Park, Georgia, and went to his home in Clinton, Iowa; that on September 20, 1898, the War Department, in ignorance of his illness, issued an order discharging him from the service of the United States, the same to take effect September 30, 1898; that the order of discharge was delayed in transmission and did not reach him until it was too late to notify the War Department of his illness before said order went into effect; that his illness proved to be very serious and recovery slow, and in consequence he was not able to perform work of any kind for two months after his discharge from the service of the United States; that it is only just and right that he should receive his salary for the said additional two months that he was ill, to wit, from October 1, 1898, to December 1, 1898, at the rate of $2,500 per annum, or a total of four hundred and sixteen dollars and sixty-seven cents ($416.67); that he presented all of these facts to the War Department, and he was informed that the Department is without authority to grant relief.

The case was brought to a hearing on the merits on February 25, 1908.

Bynum E. Hinton, esq., appeared for the claimant, and the Attorney-General, by W. W. Scott, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. The claimant herein, George A. Smith, was in the military service of the United States during the late war with Spain as major brigade surgeon of the United States Volunteers, at a salary of $208.33 a month, and was paid at that rate up to and including September 30, 1898.

II. While on duty at Camp George H. Thomas, Chickamauga Park, Georgia, claimant was taken ill with typhoid fever, and on September 16, 1898, was granted thirty days sick leave of absence and went to his home at Clinton, Iowa.

III. On September 20, 1898, while claimant was on sick leave granted as aforesaid, the War Department issued an order discharging him from the service of the United States, to take effect September 30, 1898, his services being no longer required. Said order appears to have been delayed in transit and did not reach claimant until October 1, 1898.

IV. Claimant did not recover from his said illness sufficiently to be able to resume his practice as a physician or to perform work of any kind until after December 1, 1898.

V. Whether the claimant should be paid, and, if so, what amount, for the two months he was sick subsequent to his discharge is a matter resting entirely with Congress, and the court can make no allowance therefor other than to state the salary he was receiving at the time of his discharge set forth in finding one.

Howry, J., on account of illness, took no part in making up these findings.

BY THE COURT.

Filed February 25, 1908.
A true copy.
Test this 9th day of March, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 759.

HANS PETER GUTTORMSEN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HANS PETER GUTTORMSEN AGAINST THE UNITED STATES.

MARCH 11, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE.
Washington, March 10, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings and opinion filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12733. Decided March 9, 1908. Hans Peter Guttormsen v. The United States.]

STATEMENT OF CASE.

This is a claim for alleged permanent injuries received by the claimant in November, 1880, while in the employ of the United States as a laborer, and for medical attendance, nursing, and medicines required in the treatment of said injuries.

The claim was first referred to the court by resolution of the House of Representatives December 19, 1904, under the act of March 3, 1887, and numbered 11730 Congressional. On December 4, 1905, the court filed findings of fact in favor of the claimant in the sum of $5,000, which findings were, on December 12, 1905, certified to Congress.

Thereafter, on January 19, 1907, the House of Representatives, by resolution, referred to the court under the act of March 3, 1887, a bill in the following words:

"[H. R. 13870, Fifty-ninth Congress, first session.]

"A BILL For the relief of Hans Peter Guttormsen.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of five thousand dollars to Hans Peter Guttormsen, of the city of Kenosha, county of Kenosha, State of Wisconsin, said sum of five thousand

dollars having been allowed him by the Court of Claims on the fourth day of December, anno Domini nineteen hundred and five, as set forth in Document Numbered One hundred and seventy-four of the Fifty-ninth Congress, first session, of the House of Representatives."

The claimant appeared and filed his petition in this court February 14, 1907, in which the following substantial allegations are made:

1. That he is a citizen of the United States and a resident of the city of Kenosha, in the county of Kenosha and State of Wisconsin.

2. That in the month of April, 1875, he resided in Rock Island, in the State of Illinois, and entered into the employment of the Government of the United States, under the War Department thereof, as a laborer at a compensation of $1.50 per day, which was subsequently increased to $2 per day, and worked continuously in the employment of said Government from the date aforesaid until November 6, 1880, at which time he received the permanent injuries herein complained of and in the manner as hereinafter stated.

3. That on the said date, November 6, 1880, the petitioner was engaged in his daily labor under the control and direction of the proper officers and authorities of the War Department of the United States Government, and without any fault or negligence whatever on his part, but wholly on account of the negligence of the officers of the United States who had control of and directed the actions of the petitioner in the performance of his said labor for the Government, the said petitioner received and sustained, as he now avers, serious, dangerous, and personal permanent injuries, under the following circumstances and conditions, namely: That when the petitioner was at work under the direction of the authorities of the War Department, as aforesaid, on the construction of a breakwater on the Mississippi River, near Moline, Ill., the stone walls of said breakwater having been completed to a height of 40 feet, and the trestlework and scaffolding having been erected, over and upon which materials were to be carried for said work, and planks for the covering or flooring on said trestlework had been hoisted thereon and a portion of the flooring laid on the said scaffolding and trestlework, the said petitioner was ordered by his foreman on the work to carry, lay, and string along and on the said trestlework planks that were very heavy and 16 feet in length; that while carrying one of these heavy planks he stepped on one of the planks that had already been laid down, as aforesaid, which broke and precipitated him, with the heavy plank he was carrying, through the trestle to the bottom of the structure, a distance of about 40 feet, into a large mortar box, breaking five of his ribs near his spinal column, breaking his left leg in three places, breaking the third finger of his right hand, splitting and tearing the flesh on his head and face, and injuring him generally in such a manner that he was unconscious for two weeks, and that as a result of such injuries he was confined to his bed for more than a year and has been left by reason thereof a permanent cripple, and rendered incapacitated for the performance of manual labor for the remainder of his life, and has expended large sums of money for surgical and medical attendance and for services of trained nurse.

That the plank upon which he was walking, and which broke with the results as aforesaid, was old, rotten, weather-beaten, and unfit for the use to which it had been put, the Government authorities having negligently suffered and permitted to be used in the erection and construction of said scaffolding and trestlework rotten and defective material, of which the said plank was a part, all of which was unknown to the petitioner at the time. That at least one other injury, fatal in its result, occurred to another laborer on the same work and from the same cause.

4. That no payment or compensation has ever been made to the claimant, or to any other person in his behalf, on account of this claim.

The case was brought to a hearing February 18, 1907. George C. Hazelton, esq., appeared for the claimant, and the Attorney-General, by P. M. Ashford, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. In the month of April, 1875, Hans Peter Guttormsen, claimant, entered the employ of the United States as a laborer, in connection with the construction of a dam and breakwater at or near Rock Island, in the Mississippi. Claimant continued in such employ up to and including November 6, 1880, at a compensation of $1.50 per day during part of said period and $2 per day during the remainder of said period.

II. On November 6, 1880, claimant, as such laborer, was engaged, along with five or six other workmen, in laying a plank floor on a trestle about 12 feet wide at the top and about 35 or 40 feet from the ground. The bents of said trestlework were about 6 feet apart. The plank used in laying said floor were hoisted to the top of the trestle at one end thereof, loaded on to a car or truck, and wheeled along the trestlework to a point near where the floor was being laid. While carrying a plank about 16 feet long, 1 foot wide, and 2 inches thick, from said car forward to lay the same on the trestlework, claimant stepped upon a plank which had been previously strung from bent to bent of said trestle and started to walk along the same, when it broke, precipitating him to the ground, 35 or 40 feet below. In lighting, claimant struck a plank mortar box and rock, breaking five of his ribs near the spinal column, fracturing his leg in three places, breaking the third finger of his right hand, bruising and lacerating the flesh of his head and face, and otherwise injuring him, so that he was unconscious for about two weeks thereafter. As a result of said injuries, claimant suffered great physical pain and agony and incurred large expense for medical care and attendance and for the services of a nurse, and has ever since been a permanent cripple, unable to perform manual labor of any kind.

III. In 1883 or 1884, claimant reported his condition to Col. W. D. Flagler, the United States officer in charge of the arsenal at Rock Island. Colonel Flagler, having been the officer in charge at said arsenal at the time claimant received the injuries aforesaid, gave claimant a position as watchman at the arsenal, at $1.50 per day, which position he held for two or three years, and performed his duty by sitting in a chair. Another commanding officer then came to said arsenal, who dispensed with the services of claimant, informing him at the time that the Government did not make appropriations to pay cripples. This is the only work claimant has performed and the only money he has earned since the date of his injuries, November 6, 1880.

IV. The plank used for the purpose of constructing the floor on top of the trestle in question were old, weather-beaten, and unfit for the purpose for which they were being used. They had been in use in the arsenal building, and some of them had been used for dumping stone on. Claimant was familiar with the condition of the plank, having seen them and walked upon them while they were located at the arsenal building. The plank which broke under claimant's weight had been unloaded from the car or truck from which claimant had taken the plank he was carrying. Five or six other laborers were engaged with the claimant at the time in the work of unloading the plank from said truck or car and stringing the same on the trestle. No foreman, or other officer or agent of the United States, was present at the place where the plank were being unloaded and strung on the trestle at the time the claimant fell as aforesaid. It does not appear from the testimony in this case which of the laborers engaged in stringing said plank unloaded and laid the plank which broke with the claimant. Claimant was intent upon the performance of his duty in connection with unloading and stringing said plank, and he did not observe the condition of the plank upon which he attempted to cross from one bent of the trestle to another.

V. By reason of the injuries received as aforesaid, claimant suffered damage in the sum of five thousand dollars ($5,000), no part of which appears to have been paid to him.

OPINION.

BOOTH, J., delivered the opinion of the court:

This is the second reference of this bill under the act of March 3, 1887, commonly known as the Tucker Act. Under the first reference findings of fact were reported by the court and duly certified to Congress. Under the second reference some additional testimony was taken and presented to the court and some amendment of the findings was asked. The court is precluded from exercising jurisdiction under the second reference of the same bill under the fourteenth section of the Tucker Act unless its prior findings have been procured through the misconduct of the parties, their attorneys or witnesses, or have been based upon false and fraudulent testimony. (Adolph Hartiens *v.* United States, 42 C. Cls. R., 42.) There is nothing in the record before us bringing this case within the Hartiens case, and the court is without authority to change the findings.

The second resolution rereferring the case propounds certain interrogatories to which the court is asked to make answer. The interrogatories so propounded are predicated wholly upon the legal liability of the defendants for the injuries occasioned the claimant as set forth in the findings. The Congress has not recognized the liability of the Government for injuries occasioned by the negligent conduct of its agents. The question of relief is wholly a matter of legislative discretion.

The court did not add to its findings that the claimant was without fault, because to have done so would have been a conclusion involving not only the question of an ultimate fact but the law respecting the risk of the claimant as a coemployee with others on the work in which he was engaged.

It is because the claimant has no legal standing that he seeks relief by petition to Congress under the Tucker Act. The facts found in such cases are for the information of Congress, to enable them to determine whether or not the case thereby made is one which appeals to their sense of justice; not justice based on law, nor on the strict rules of equity, but that justice which appeals to the sense of right between men measured by moral rather than legal or equitable rules. The application of such rules is for Congress and not for the court. Therefore when the court has found the facts in any case referred to it under the Tucker Act and certified such facts to Congress the requirements of the statute have been complied with.

In the case of Widmayer and Bates *v.* United States (42 C. Cls. R.), the court said:

"Precluded as the court is from deciding issues of law pertaining to liability, this report can neither be taken as a judgment nor as an award. Neither is it a recommendation for the payment of anything. It is merely a recital of the proven facts. These facts in their relation to the law only constitute material to enable Congress to create a liability by way of gift at discretion. Consequently, no vested right can be considered as acquired by the recital of facts."

While the reference in that case was under the Bowman Act, the opinion of the court is directly applicable to findings of fact under the Tucker Act. See also the case of Taylor *v.* United States (25 C. Cls. R., 75).

This case is a forcible illustration of the limited jurisdiction of the court in references under the fourteenth section of the Tucker Act. We are asked to define the legal status of the claimant under the findings reported. The conclusions thus reported might possibly result in the liquidation of this particular case by an adequate appropriation, and many claimants with equally as good a case, with findings equally as favorable, wherein no conclusions of law appeared, fail of success and their claims go unpaid because of our jurisdictional limitations, the court having heretofore reported findings in similar cases, reciting the facts proven, without any discussion of the legal status of the claimant thereunder.

The original findings of this court will again be transmitted to Congress, together with a copy of this opinion.

By the Court.

Filed March 9, 1908.
A true copy.
Test this 10th day of March, 1908.
[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 760.

SCHOONER HAZARD.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER HAZARD, BARNABUS YOUNG, MASTER.

MARCH 11, 1908.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., March 10, 1908.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Hazard*, Barnabus Young, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283; Vol. I, Supp. R. S. 2d ed., 471. Vessel schooner *Hazard*, Barnabus Young, master.]

No. of case.	Claimant.
312.	Joshua D. Upton, administrator of Eben Parsons, *v.* The United States.

PRELIMINARY STATEMENT.

This case was tried before the Court of Claims on the 13th of February, 1908. The claimant was represented by John W. Butterfield, esq., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General John Q. Thompson.

FINDINGS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Hazard*, Barnabus Young, master, sailed on a commercial voyage on the 22d day of July, 1797, from Boston, bound to Aux Cayes. While peacefully pursuing said voyage she was seized on the high seas by the French privateer *La Tortue*, Captain Richard, and brought into the roadstead of Port de Paix, and there by the commissioner delegated by the French Republic in the Leeward Isles declared

to be good prize, together with her cargo and all the appurtenances thereof, on September 8, 1797. The grounds of said condemnation were as follows:

That it appeared from the sea letter of the vessel that the master had received a written order from an English vessel to enter no French port.

That the said sea letter is not for the present voyage.

That instead of going to Guadaloupe, his destination, his route was false, having sailed direct from Boston to Martinique.

That Captain Young was in the habit of entering ports in rebellion against France and of concealing his true destination.

II. The *Hazard* was a duly registered vessel of the United States of 47$\frac{5}{8}$ tons burden, belonging to the port of Boston, Mass., built in the year 1784, and was owned solely by Eben Parsons, a citizen of the United States.

III. The cargo of the *Hazard* at the time of capture consisted of codfish, beef, pork, butter, brandy, hoops, pipe, staves, flour, and salt, and was owned by said Eben Parsons, and was of the value of $5,260.59.

IV. The losses to the said Eben Parsons by reason of said seizure and condemnation were as follows:

Value of vessels	$1,175.00
Freight earnings	783.00
Value of cargo	5,260.59
Total	7,218.59

The claimant has produced letters of administration on the estate of the party for whom he appears and has otherwise proved to the satisfaction of the court that the person for whose estates he has filed claims is in fact the same person who suffered loss by reason of the seizure and condemnation of the schooner *Hazard*, as set forth in the preceding findings.

Said claim was not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. It was not a claim growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and was not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimant, in his representative capacity, was the owner of said claim, which has never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claim was relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimant is entitled to the following sums from the United States:

Joshua D. Upton, administrator of Eben Parsons, seven thousand two hundred and eighteen dollars and fifty-nine cents ($7,218.59).

Amounting in all to seven thousand two hundred and eighteen dollars and fifty-nine cents ($7,218.59).

By the Court.

Filed March 9, 1908.
A true copy.
Test this 9th day of March, 1908.
[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 782.

TRUSTEES OF METHODIST EPISCOPAL CHURCH SOUTH, PINE BLUFF, ARK.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF R. H. M. MILLS, PRESIDENT OF BOARD OF TRUSTEES OF THE M. E. CHURCH SOUTH, OF PINE BLUFF, ARK., AGAINST THE UNITED STATES.

MARCH 13, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, March 12, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12187. R. H. M. Mills, president of the board of trustees of the Methodist Episcopal Church South of Pine Bluff, Ark., *v.* The United States.]

STATEMENT OF CASE.

This is a claim for use, occupation, and damages by the military forces of the United States during the war for the suppression of the rebellion. On the 31st day of March, 1906, the United States House of Representatives referred to the court a bill in the following words:

"[H. R. 3959. 59th Cong., 1st sess.]

"A BILL for the relief of the trustees of the Methodist Episcopal Church South of Pine Bluff, Arkansas.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the trustees of the Methodist Episcopal Church South of Pine Bluff, Arkansas, the sum of three thousand one hundred and fifty dollars, for use of and damage done to their church property by the military forces of the United States during the late war of the rebellion."

The said trustees of said church, by their president, R. H. M. Mills, through their attorney, John S. Duffie, appeared in this court May 18, 1906, and filed their petition, in which it is substantially averred:

That about the 1st day of October, 1864, a part of the United States Army, under the command of Gen. Powell Clayton, took possession of the Methodist Episcopal Church South, then situated in the town of Pine Bluff, and did continuously hold possession of said church for the period of one year or more; that is to say, from about the 1st of October, 1864, until about the 1st of November, 1865, for the use of said part of said army.

That at the time of said taking said church was comparatively new and in good condition.

That the articles that were in said church, at the time taken possession of, were worth $750, which consisted of seats worth $600; pulpit, $100; Sunday school library, $50. These things were taken out of the church and finally destroyed.

For the use of the church building, from about October 1, 1864, for twelve months at $125 per month, $1,500. During the time said church was so occupied it was used for the storage of commissary and other army supplies, doing great damage to the church in the sum of $900.

The pews so destroyed, value $600; the pulpit so destroyed, value $100; the Sunday school library so destroyed, value $50, making a total of $3,150.

The case was brought to hearing on loyalty and merits on the 13th day of January, 1908.

John S. Duffie appeared for the claimant, and the Attorney-General, by Clark McKercher, his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence, and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

I. The Methodist Episcopal Church South, of Pine Bluff, Ark., as an organization, was loyal to the Government of the United States throughout the late civil war.

II. During the said period the military forces of the United States, by proper authority, took possession of the church building described in the petition and used and occupied the same for the storage of commissary and other supplies and damaged the same. The reasonable rental value of such use and occupation, together with damages thereto in excess of ordinary wear and tear, was then and there the sum of one thousand three hundred dollars ($1,300), no part of which appears to have been paid.

III. The claim herein was never presented to any Department of the Government prior to its presentation to Congress and references to this court by resolution of the House of Representatives, as hereinbefore mentioned, and no reason is given why the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

BY THE COURT.

Filed February 3, 1908.
A true copy.
Test this 11th March, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 786.

BRIG SOPHIA.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE BRIG SOPHIA, AMBROSE SHIRLEY, MASTER.

MARCH 16, 1908.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., March 16, 1908.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Sophia*, Ambrose Shirley, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Brig *Sophia*, Ambrose Shirley, master.]

No. of case.	Claimant.
2845.	James L. Hubard, administrator of William Pennock.
1317.	The president and directors of the Insurance Company of North America.
2724.	Bassett A. Marsden, administrator of Benjamin Pollard.
4112.	John Neely, administrator of John Cowper; R. Manson Smith, administrator of Francis Smith; Alexander Proudfit, administrator of John Proudfit, for and on behalf of the firm of John Proudfit & Co.
5108.	George H. Gorman, administrator of Matt Anderson and Ben Dabney.
3840.	Peter F. Schliecker, administrator of John M. Burt.

PRELIMINARY STATEMENT.

This case was tried before the Court of Claims on the 18th day of February, 1908. The claimants were represented by George A. & William B. King, with whom were Lyon & Lyon and Curtis & Pickett, and the United States, defendant, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General John Q. Thompson.

FINDINGS OF FACT.

The court, upon the evidence and after hearing the argument and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The brig *Sophia*, Ambrose Shirley, master, sailed on a commercial voyage August 2, 1797, from Norfolk, Va., bound for the island of Jamaica. While peacefully pursuing said voyage she was seized on the high seas September 5, 1797, by

the French privateer *La Franoise*, Capt. Lewis Trestan, and carried into Santiago de Cuba.

II. The vessel and her cargo were afterwards condemned by the French prize tribunal sitting at Cape Francois in the island of Haiti, on the ground that although she had on board her register, sea letter, and bill of lading, she was bound to the island of Jamaica, an English island.

III. The *Sophia* was a duly registered vessel of the United States belonging to the port of Norfolk, Va., of 180$\frac{4}{95}$ tons burden, built in the State of Connecticut in the year 1793, and was owned solely by William Pennock and William I. Hunter, citizens of the United States.

IV. The cargo of the *Sophia* at the time of capture consisted of staves, shingles, herring, gin, brandy, fish, peas, oysters, and boards, and the same was the property of the owners of the vessel, and was of the value of $1,239.27.

Ambrose Shirley, the master, was the owner of an adventure on board, which was of the value of at least the sum of $649.76, the amount of insurance paid thereon.

V. The loss by reason of said seizure and condemnation was as follows:

Value of vessel	$5,000.00
Freight earnings	1,970.00
Value of cargo	1,239.27
Adventure of master (as far as covered by insurance)	649.76
Premiums of insurance paid on insurance effected before capture	647.50
Amounting in all to	9,506.53

VI. The loss of William Pennock by reason of said seizure and condemnation was as follows:

One-half value of vessel	$2,500.00
One-half freight earnings	985.00
One-half value of cargo	619.64
One-half premiums of insurance paid on insurance effected before capture	323.75
Amounting in all to	4,428.39
Deduct one-half insurance paid to Hunter and Pennock	3,955.28
Net loss	473.11

VII. October 21, 1797, George Plumsted, as agent for William Pennock and William I. Hunter, caused insurance to be effected on the vessel in the sum of $2,650 in the office of the Insurance Company of North America, paying therefor a premium of 22½ per cent.

April 12, 1798, said insurance company duly paid the said assured the sum of $2,597, being in full for a total loss less the customary abatement of 2 per cent.

October 21, 1797, George Plumsted, as agent for William Pennock and William I. Hunter, caused insurance to be effected on the cargo in the sum of $1,722 in the Insurance Company of North America, paying therefor a premium of 22½ per cent.

April 12, 1798, said insurance company duly paid the said assured the sum of $1,687.56, being in full for a total loss less the customary abatement of 2 per cent.

October 21, 1797, George Plumsted, as agent for Ambrose Shirley, effected insurance on an adventure belonging to the said Shirley on the said vessel in the sum of $666 in the office of the Insurance Company of North America, paying therefor a premium of 22½ per cent.

July 9, 1798, said insurance company duly paid the said assured the sum of $649.76, being in full for a total loss less the customary abatement of 2 per cent.

July 29, 1797, William Pennock, for himself and William I. Hunter, effected insurance in the office of John Granberry, insurance broker of Norfolk, on the vessel in the sum of $3,700, paying therefor a premium of 17½ per cent by a policy underwritten as follows, viz:

James Young	$300
John Cowper	500
Francis Smith	200
John Brown	400
Benjamin Pollard	300
John Proudfit & Co	400
John Kearnes	200
James Caton	300
Mat. Anderson	300
Ben. Dabney	300
Moses Myers	500

Thereafter John Granberry, as agent, duly paid the said assured the sum of $3,626, being in full for a total loss less the customary abatement of 2 per cent.

VIII. The firm of John Proudfit & Co. was composed of John M. Nesbitt, David H. Conyngham, David Stewart, David C. Stewart, John Proudfit, and John Stewart.

The firm of John Cowper & Co. was composed of John Cowper, Joseph Cowper, William Cowper, and Robert Cowper. Said John Cowper was the survivor of the firm.

IX. *Counterclaim.*—The defendants have filed a counterclaim against John Proudfit in the sum of $736.34, alleging that he was indebted to the United States in that sum on certain unpaid custom-house bonds. No evidence is produced showing the payment or cancellation of said bonds.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the brig *Sophia*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

The president and directors of the Insurance Company of North America, four thousand nine hundred and thirty-four dollars and thirty-two cents.	$4,934.32
James L. Hubard, administrator of William Pennock, four hundred and seventy-three dollars and eleven cents	473.11
Bassett A. Marsden, administrator of Benjamin Pollard, two hundred and ninety-four dollars	294.00
John Neely, administrator of John Cowper, surviving partner of John Cowper & Co., four hundred and ninety dollars	490.00
R. Manson Smith, administrator of Francis Smith, one hundred and ninety-six dollars	196.00
Alexander Proudfit, administrator of John Proudfit, for and on behalf of the firm of John Proudfit & Co., three hundred and ninety-two dollars.	392.00
George H. Gorman, administrator of Mat. Anderson, two hundred and ninety-four dollars	294.00
George H. Gorman, administrator of Ben. Dabney, two hundred and ninety-four dollars	294.00
	7,367.43

Amounting in all to seven thousand three hundred and sixty-seven dollars and forty-three cents.

Peter F. Schliecker, administrator of John M. Burt, has proved no valid claim.

No person claiming to represent William I. Hunter, James Young, John Brown, John Kearnes, James Caton, and Moses Myers have appeared herein.

BY THE COURT.

Filed March 9, 1908.

A true copy.

Test this 16th day of March, 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 787.

BRIG DIANA.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE BRIG DIANA, JOHN WALKER, MASTER.

MARCH 16, 1908.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., March 14, 1908.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Diana*, John Walker, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283; vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Diana*, John Walker, master.]

No. of case.	Claimant.
30.	Edmund D. Codman, administrator of William Gray, *v.* The United States.
1608.	Francis M. Boutwell, administrator of Thomas Geyer, *v.* The United States.
	George G. King, administrator of Frederick William Geyer, jr., *v.* The United States.
1864.	Brooks Adams, administrator of Peter Chardon Brooks, *v.* The United States.
2027.	George G. King, administrator of Crowell Hatch, *v.* The United States.
3485.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	William G. Perry, administrator of Nicholas Gilman, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
	William Ropes Trask, administrator of Thomas Amory, *v.* The United States.
	Frank Dabney, administrator of Samuel Wyllys Pomeroy, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 13th day of February, 1908. The claimants were represented by William T. S. Curtis, Theodore J. Pickett, and Charles W. Clagett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General John Q. Thompson.

FINDINGS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The brig *Diana*, whereof John Walker was then master, sailed on a commercial voyage from Boston on July 13, 1798, bound for Martinique. While peacefully pursuing said voyage in company with the brig *Ceres*, Dogget, master, she was seized on the high seas July 27, 1798, by the French frigate *Decade*, Captain Villeneau, which afterwards also seized the *Ceres*.

The said John Walker, master of the *Diana*, together with all his papers, was carried on board the *Decade*, the commander of which condemned his vessel and cargo for the reason that she was bound to an English port.

Upon the seizure of the *Ceres*, the master of the *Diana* and her cargo, together with the crew of a brig from Newburyport then on board the *Decade*, were sent on board and told to go where they wished; whereupon she continued her voyage to Martinique, where she duly arrived. A prize crew was placed on board the *Diana* with directions to carry her to France, but what subsequently became of her does not appear beyond that both vessel and cargo became a total loss to the owners thereof.

II. The *Diana* was a duly registered vessel of the United States, of 157 69/95 tons burden, built in Massachusetts in the year 1792, and owned solely by Frederick William Geyer, jr., and Thomas Geyer, citizens of the United States residing in Boston.

III. The cargo of the *Diana* at the time of capture consisted of lumber, candles, whale oil, flour, hoops, fish, staves, and headings, and was of the value per invoice of $6,948.14, exclusive of premiums of insurance, and was owned by the said Frederick William Geyer, jr., and Thomas Geyer in the proportion of one-half, and Laugar and Pinele, citizens of Martinique, in the proportion of one-half.

IV. The losses to said Frederick William Geyer, jr., and Thomas Geyer by reason of the seizure of the *Diana* were as follows:

Value of vessel	$6,280.00
Freight earnings	2,617.00
Value of their portion of cargo	3,474.07
Amounting in all to	12,371.07
Deduct insurance received	3,500.00
Net loss (one-half to each)	8,871.07

V. August 9, 1798, Frederick William Geyer, jr., and Thomas Geyer, in their own behalf, procured through the agency of Joseph Taylor insurance on one-half of the cargo in the sum of $3,500, paying therefor a premium of 15 per cent, said policy being underwritten by the following-named citizens of the United States, each in the sum set opposite his name, viz:

William Gray	$2,000
John C. Jones	500
Samuel W. Pomeroy	500
Thomas Amory	250
Nicholas Gilman	250

Thereafter the said insured duly received from said Joseph Taylor, agent for the insurers, the sum of $3,500, being in full for a total loss on said policy by reason of the premises.

No recovery can be had by the insured for the premium so paid as above, the said policy being dated subsequent to the capture herein.

VI. In the case of the brig *Dove*, William McN. Watts, master, it was found that Thomas Geyer was indebted to the United States on certain unpaid custom-house bonds in the sum of $5,134.59, and that his loss on the *Dove* and cargo was $2,984.75, thus leaving a balance of $2,149.84 still due to the United States. The court finds herein that the loss of said Thomas Geyer on the *Diana* was $4,435.54, leaving a balance in favor of said Thomas Geyer in the sum of $2,285.70.

VII. The defendants have filed a counterclaim alleging that the original claimant, Frederick William Geyer, jr., was indebted to the United States in the sum of $10,032.87 on certain unpaid custom-house bonds. No record of payment thereof has been produced from the collector's office at Boston.

VIII. The loss to Laugar & Pinele by reason of the seizure of the cargo of the *Diana* was fully covered by the insurance paid them by the underwriters in the office of Peter C. Brooks, insurance broker of Boston. It appearing that said Laugar &

Pinele were not citizens of the United States, the underwriters on the said policy are entitled to no recovery herein.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure of the brig *Diana* as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants in their representative capacity are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic, concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Francis M. Boutwell, administrator of Thomas Geyer, two thousand two hundred and eighty-five dollars and seventy cents	$2,285.70
Edmund D. Codman, administrator of William Gray, two thousand dollars	2,000.00
Thomas N. Perkins, administrator of John C. Jones, five hundred dollars	500.00
Frank Dabney, administrator of Samuel W. Pomeroy, five hundred dollars	500.00
William Ropes Trask, administrator of Thomas Amory, two hundred and fifty dollars	250.00
William G. Perry, administrator of Nicholas Gilman, two hundred and fifty dollars	250.00
Amounting in all to five thousand seven hundred and eighty-five dollars and seven cents	5,785.07

(See counterclaims against Thomas Geyer and Frederick William Geyer, jr., set forth in Findings VI and VII.)

BY THE COURT.

Filed March 9, 1908.
A true copy.
Test this 14th day of March, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 788.

HARRIET N. LAIR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF HARRIET N. LAIR AGAINST THE UNITED STATES.

MARCH 16, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, March 14, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 2850. Harriet N. Lair v. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Harriet N. Lair, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed November 4, 1889.

[Court of Claims. Congressional case No. 2850. Harriet N. Lair v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims, House of Representatives, on the 6th day of March, 1888.

On a preliminary inquiry the court, on the 4th day of November, 1889, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 10th day of February, 1908.

Brandenburg & Brandenburg, esqs., appeared for claimant, and the Attorney-General, by M. L. Blake, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in her petition makes the following allegations:

That during the said war she was a resident of Pulaski County, State of Kentucky, and was the owner and possessor on her farm, in said county and State, of certain quartermaster stores and commissary supplies, which in the spring of 1862 were seized and appropriated to the use of the military forces of the United States then stationed and operating in said locality, according to the following bill of items:

500 cords of wood (timber), at $2	$1,000
200 cords of wood (rails), at $2	400
Total	1,400

The court, upon the evidence and after the consideration of briefs and after hearing the arguments of the respective counsel, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from the claimant in Pulaski County, Ky., property of the kind and character described in the petition which at the time and place of taking was reasonably worth the sum of three hundred and fifty dollars ($350), no part of which appears to have been paid.

Howry, J., on account of illness, took no part in making up this finding.

BY THE COURT.

Filed February 25, 1908.
A true copy.
Test this 14th day of March, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 794.

SHELBY GRISHAM, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF SHELBY GRISHAM, ADMINISTRATOR OF ESTATE OF DANIEL THOMPSON, DECEASED, AGAINST THE UNITED STATES.

MARCH 18, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, March 17, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 10577. Estate of Daniel Thompson, deceased, *v.* The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Daniel Thompson, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed January 14, 1908.

[Court of Claims. Congressional, No. 10577. Shelby Grisham, administrator of estate of Daniel Thompson, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of May, 1902.

On a preliminary inquiry the court, on the 14th day of January, 1908, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 10th day of February, 1908.

Moyers & Consaul appeared for claimant, and the Attorney-General, by Malcolm A. Coles, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in the county of Colbert, State of Alabama; that he is the duly appointed, acting, and qualified administrator of estate of Daniel Thompson, late of said county and State.

That during the late civil war said Daniel Thompson was a citizen of the United States, residing in said county and State; that during said war the United States military forces, under proper authority, took from said decedent, for use of the Army, quartermaster stores and commissary supplies of the kinds and values below stated, to wit:

2 mares, with saddle and bridle	$300.00
40 bushels corn	40.00
150 pounds bacon	37.50
Total	377.50

That no payment has been made for said property.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent in Colbert County, State of Alabama, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of two hundred and forty dollars ($240). No payment appears to have been made therefor.

BY THE COURT.

Filed February 17, 1908.
A true copy.
Test this 17th day of March, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 795.

DAN THOMASON, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF DAN THOMASON, ADMINISTRATOR OF JOEL HARRELL, DECEASED, AGAINST THE UNITED STATES.

MARCH 18, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, March 17, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12706. Estate of Joel Harrell, deceased, v. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Joel Harrell, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed November 11, 1907.

[Court of Claims. Congressional, No. 12706. Dan Thomason, administrator of estate of Joel Harrell, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 9th day of January, 1907.

On a preliminary inquiry the court, on the 11th day of November, 1907, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 12th day of March, 1908.

Francis L. Neubeck, esq., appeared for claimant, and the Attorney-General, by Clark McKercher, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in Washington County, State of Arkansas, where decedent resided during the late war of the rebellion; that at different times during said period the United States forces, by proper authority, took from said decedent quartermaster stores and commissary supplies of the value of $2,165, and appropriated the same to the use of the United States Army as follows:

600 bushels of corn, at 50 cents	$300
800 bushels of oats	20
800 bundles of fodder	20
350 bushels of wheat, at $1	350
7 horses and mules, at $125	875
100 hogs, at $3	300
15 beef cattle, at $20	300
Total	2,165

The court, upon the evidence, and after considering the briefs and arguments of counsel upon both sides, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took at various times from claimant's decedent, Joel Harrell, deceased, in Washington County, Ark., property of the kind and character described in the petition which was at the time and place of taking reasonably worth the sum of eleven hundred and ninety dollars ($1,190), no part of which appears to have been paid.

BY THE COURT.

Filed March 16, 1908.
A true copy.
Test this 16th day of March, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 796.

R. M. ROGAN, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF R. M. ROGAN, ADMINISTRATOR OF F. S. HEISKELL, DECEASED, AGAINST THE UNITED STATES.

MARCH 18, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, March 17, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 10468. Frederick S. Heiskell and Hyram W. Hackney *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Frederick S. Heiskell and Hyram W. Hackney, the persons alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, were loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed April 18, 1905.

[Court of Claims. Congressional, No. 10468. R. M. Rogan, administrator of the estate of F. S. Heiskell, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 16th day of February, 1902.

On a preliminary inquiry the court, on the 18th day of April, 1905, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 23d day of January, 1908.

G. W. Z. Black, esq., appeared for claimant, and the Attorney-General, by Charles F. Kincheloe, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he was appointed and duly qualified as administrator of the estate of Frederick S. Heiskell, deceased, and files herewith duly authenticated certificate thereof.

That his decedent resided during the late civil war in Knox County, Tenn., and was the owner of a certain flour and grist mill, situate in said county and State; that during said period the military forces of the United States, by proper authority, took possession of said mill and operated the same for the use and benefit of the United States, and also took therefrom large quantities of flour and meal, and the United States is justly indebted to him, as follows:

For rent of flour mill from September 10 to November 25, 1863, 77 days at $12	$924.00
For rent of flour mill from January 15 to March 15, 1864, 59 days at $12	708.00
12,815 pounds of flour at $3.50 per 100	448.52
251⅞ bushels of meal at $1	251.87
Total	2,332.39

That at the time of the taking of said flour and meal and use of said mill by the military authorities, the said mill was being operated on the shares by one Hyram H. Hackney, and his decedent is entitled to two-thirds interest and the said Hackney to one-third interest in each and every item above set forth.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

During the late civil war the military forces of the United States, by proper authority, took possession of and occupied the mill belonging to claimant's decedent in Knox County, State of Tennessee, for a period of several months as a guardhouse, and used the grain therein contained, in which grain one Hyram H. Hackney had a one-third interest and claimant's decedent herein a two-thirds interest. The reasonable rental value of the mill, together with the two-thirds value of the grain taken so belonging to claimant's decedent, was then and there the sum of three hundred and ninety dollars ($390). No payment appears to have been made therefor.

No petition having been filed on behalf of said Hyram H. Hackney, no allowance is made for his interest in the grain.

By the Court.

Filed February 3, 1908.
A true copy.
Test this 16th day of March, 1908.
[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 797.

SAMUEL E. FITZHUGH, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF SAMUEL E. FITZHUGH, ADMINISTRATOR OF SAMUEL H. FITZHUGH, DECEASED, AGAINST THE UNITED STATES.

MARCH 18, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, March 18, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

HON. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 1673. Samuel E. Fitzhugh, administrator of Samuel H. Fitzhugh, deceased, *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Samuel H. Fitzhugh, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed December 2, 1907.

[Court of Claims. Congressional, No. 1673. Samuel E. Fitzhugh, administrator of Samuel H. Fitzhugh, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during

the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims of the House of Representatives on the 20th day of February, 1887.

On a preliminary inquiry the court, on the 2d day of December, 1907, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 9th day of March, 1907.

Milton D. Campbell, esq., appeared for claimant, and the Attorney-General, by F. De C. Faust, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in the county of Monroe and State of Arkansas, where he resided during the late war of the rebellion, and at different times during the said war the United States forces, by proper authority, took from your petitioner quartermaster's stores and commissary supplies of the value of $1,959, and appropriated the same to the use of the United States Army.

Said stores and supplies were as follows:

2 horses, $150	$300
300 bushels of corn, $1	300
50 bushels of wheat, $1.50	75
300 pounds bacon, 15 cents	45
18 bee gums, $3	54
1 horse	150
10 head of hogs, $10	100
3 head cattle, $30	90
10 bushels of corn, $1	10
15 acres of corn, $25	375
7 head of cattle, $30	210
50 bushels of wheat, $1.50	75
1 bay mare	125
10 head of hogs, $5	50
Total	1,959

The court, after considering the evidence and the briefs of the respective counsel, make the following

FINDING OF FACT

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took at different times from claimant's decedent, Samuel H. Fitzhugh, deceased, in Monroe County, Ark., commissary stores and supplies of the kind and character described in the petition which were at the time and place of taking reasonably worth the sum of s ven hundred and seventy-two dollars ($772), no part of which appears to have been paid.

BY THE COURT

Filed March 16, 1908,
A true copy.
Test this 17th day of March, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 798.

SCHOONER CENTURIAN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SCHOONER CENTURIAN, PHILIP GREELY, MASTER.

MARCH 18, 1908.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., March 18, 1908.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the schooner *Centurian*, Philip Greely, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French Spoliations. Act of January 20, 1885, 23 Stat. L., 283. Vol. 1, Supplement to R. S., 2d ed., 471. Vessel, schooner *Centurian*, Philip Greely, master.]

No. of case.	Claimant.
2611.	Stuyvesant T. V. Jackson, administrator of Levi Cutter *v.* The United States.
2611.	Mabel Sargent, administratrix of Jacob Mitchell, surviving partner of Buxton & Mitchell *v.* The United States.
3163.	C. C. Woodside, administrator of Vincent Woodside *v.* The United States.
3163.	John H. Peterson, administrator of John Woodside *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 12th day of February, 1908. The claimants were represented by Charles W. Clagett, Wm. T. S. Curtis, and Theodore J. Pickett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer and Stanhope Henry, esqs., with whom was Assistant Attorney-General John Q. Thompson.

FINDINGS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determine the facts to be as follows:

I. The schooner *Centurian*, Philip Greely, master, sailed on a commercial voyage from North Yarmouth, in the then State of Massachusetts, on or about the 16th day of May, 1799, for the island of Martinico, laden with a cargo of lumber. Whil

peacefully pursuing said voyage she was captured on the high seas by the French privateer *La Renomme*, Capt. Francois Muquet, who conducted said vessel into Basseterre, Guadeloupe, where, on the 20th day of June, 1799, said vessel and cargo were condemned by the tribunal of commerce on the following grounds:

"That the cargo in part consisted of large quantity of oars, which were declared contraband of war by the third article of the decree of the Executive Directory of the 12th Ventose, year 5.

"That the vessel carried no crew list."

II. It appears by the evidence that the *Centurian* had on board a cargo valued at $665.42, of which amount $38.30 was the value of 1,915 feet of oar rafters, which the court finds was too insignificant a portion of the cargo to justify a condemnation therefor.

The *Centurian* was a duly registered vessel of the United States of 100$\frac{44}{95}$ tons burthen, and was owned by citizens of the United States. One-half of said schooner was owned by John Woodside and Vincent Woodside, both citizens of the United States. The ownership of the other half does not appear. The *Centurian* was under charter at the time of capture to William Buxton and Jacob Mitchell (composing the firm of Buxton & Mitchell), Levi Cutter, and others. The firm of Buxton & Mitchell were the charterers of one-third of said vessel, and Levi Cutter was the charterer of one-third thereof; all of whom were citizens of the United States.

III. The cargo of the *Centurian* was owned by Buxton & Mitchell (one-third), Levi Cutter (one-third), and others, all of whom were citizens of the United States. The cargo consisted of boards, joists, hogshead staves, shingles, and oar rafters, and was of the value of $665.42.

IV. After the condemnation of the vessel herein the former owners repossessed said vessel and reregistered said vessel at the port of Boston, October 23, 1802.

It does not appear that said vessel was owned by any other persons than the said John Woodside, Vincent Woodside, and others, at any time between the date of the register she carried at the date of capture and the date of her reregistration as aforesaid.

The cost and expense accruing to the said owners to obtain possession of said vessel after her capture and condemnation by the French does not appear.

V. The losses to the charterers and owners of the cargo were as follows:

Freight earnings	$1,666.00
Value of cargo	665.42
Amounting in all to	2,331.42

The loss to Buxton & Mitchell by reason of the premises was as follows:

One-third freight earnings	$555.33
One-third value of cargo	221.81
Total	777.14

The loss to Levi Cutter by reason of the premises was as follows:

One-third freight earnings	$555.33
One-third value of cargo	221.81
Total	777.14

The said Vincent Woodside and John Woodside, owners of the vessel, suffered no loss herein by reason of the charter of the vessel and the subsequent repurchase thereof after the condemnation of the same.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the *Centurian* as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants in their representative capacity are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Stuyvesant T. V. Jackson, administrator of Levi Cutter, seven hundred and seventy-seven dollars and fourteen cents	$777.14
Mabel Sargent, administratrix of Jacob Mitchell, surviving partner of Buxton & Mitchell, seven hundred and seventy-seven dollars and fourteen cents	777.14
Amounting in all to one thousand five hundred and fifty-four dollars and twenty-eight cents	1,554.28

Vincent and John Woodside, the owners of the vessel, have proved no valid claim.

No persons are in court claiming the balance of said loss.

BY THE COURT.

Filed March 9, 1908.

A true copy:

Test this 18th day of March, A. D. 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 787.

BRIG DIANA.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE BRIG DIANA, JOHN WALKER, MASTER.

MARCH 16, 1908.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., March 14, 1908.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Diana*, John Walker, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885; 23 Stat. L., 283; vol. 1, Supplement to R. S., 2d ed., 471. Vessel brig *Diana*, John Walker, master.]

No. of case.	Claimant.
30.	Edmund D. Codman, administrator of William Gray, *v.* The United States.
1608.	Francis M. Boutwell, administrator of Thomas Geyer, *v.* The United States.
	George G. King, administrator of Frederick William Geyer, jr., *v.* The United States.
1864.	Brooks Adams, administrator of Peter Chardon Brooks, *v.* The United States.
2027.	George G. King, administrator of Crowell Hatch, *v.* The United States.
3485.	Charles T. Lovering, administrator of Joseph Taylor, *v.* The United States.
	William G. Perry, administrator of Nicholas Gilman, *v.* The United States.
	Thomas N. Perkins, administrator of John C. Jones, *v.* The United States.
	William Ropes Trask, administrator of Thomas Amory, *v.* The United States.
	Frank Dabney, administrator of Samuel Wyllys Pomeroy, *v.* The United States.

PRELIMINARY STATEMENT.

These cases were tried before the Court of Claims on the 13th day of February, 1908. The claimants were represented by William T. S. Curtis, Theodore J. Pickett, and Charles W. Clagett, esqs., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General John Q. Thompson.

No. of case.	Name.	No. of case.	Name.
2849	Brig Betsey; Ezra Caulkins, master.	3981	Ship Merchant; Rossiter, master.
2962	Schooner Sea Horse; Lambert, master.	3984	Sloop Maria; Folger, master.
2982	Schooner Hannah; Doane, master.	3986	Schooner Mary; Hewitt, master.
2997	Brig Atlantic, or Neptune; Eames, master.	3989	Schooner Mary; Lawrence, master.
3040	Bark Mercury; Farnham, master.	4007	Schooner Sunbury Packet; Williams, master.
3166	Schooner Chloe; Cooley, master.	4009	Schooner St. Joseph; Hall, master.
3167	Schooner Allen; Freeman, master.	4010	Schooner Susannah; Porter, master.
3168	Schooner Chloe; Sanger, master.	4011	Schooner Sally; Butler, master.
3184	Schooner Betsey and Polly; Oakes, master.	4572	Ship Mary; Goodrich, master.
3242	Brig Mary; Stoder, master.	4959	Ship Betsey; Maybury, master.
3276	Ship Osiris; Redman, master.	5039	Brig Mentor; Mitchell, master.
3325	Schooner Clarissa; Blackmore, master.	5271	Brig Industry; Knox, master.
3369	Ship Olive; Flower.	5273	Ship Lydia; Gladd, master.
3394	Ship Union; Beard, master.	5276	Schooner Betsey; Day, master.
3396	Schooner Kitty; Greene, master.	4019	Schooner Vulpus; Pratt, master.
3397	Ship Commerce; Lillibridge, master.	4079	Schooner Two Sisters; Sebastian, master.
3400	Ship Sally; McCall, master.	4100	Schooner Ruth; Peters, master.
3403	Schooner Three Sisters; Dickey, master.	4158	Sloop Huldah; Mills, master.
3404	Ship New Jersey; Cooper, master.	4162	Schooner Hunter; Peck, master.
3405	Ship Hoffmung; Ligensen, master.	4163	Brig Huron; Peck, master.
3406	Vessel Stads Humburgh; Syerds, master.	4245	Brig Nancy; Sawyard, master.
3751	Brig Dolphin; Hussey, master.	4251	Brig Dispatch; Marshall, master.
3795	Schooner Betsey; McCulloch, master.	5297	Brig Retaliation; Reynolds, master.
3796	Brig Juno; Dennison, master.	5299	Schooner William; Pratt, master.
3816	Schooner Friends; Henry, master.	5301	Schooner Ann; Mitchell, master.
3824	Ship Washington; Wedmore, master.	5302	Brig Hope; Eldridge, master.
3831	Ship Chickamauga; West, master.	5303	Schooner Coquette; Byrns, master.
3864	Schooner Active; Cutter, master.	5305	Ship Sally; Snell, master.
3868	Schooner Harriet; Lucas, master.	5309	Ship Commerce; Gordon, master.
3869	Schooner Patty; Hopkins, master.	5310	Brig Oakley; Gordon, master.
3883	Schooner Charlotte; McKnight, master.	5325	Schooner Sally; Larrabee, master.
3905	Brig Abigail; Walsh, master.	5328	Schooner Lydia; Jack, master.
3907	Brig Amazon; Ropes, master.	5404	Sloop Sally; Patterson, master.
3913	Ship Brunswick; Udney, master.	5412	Vessel Minerva; Snell, master.
3914	Brig Brutus; Aborn, master.	5472	Sloop Ann and Susan; Lane, master.
3920	Brig Betsey; Johnson, master.	5549	Brig Thomas; Salter, master.
3921	Brig Betsey, Wyer, master.	4569	Sloop Hartford; Risley, master.
3923	Scow Betsey; Bourdett, master.	5316	Sloop Sea Gull.
3932	Brig Commerce; Thurston, master.	3402	Brig Amiable Creole.
3933	Schooner Cornelia; Wilson.	5311	Schooner Scorpion.
3935	Brig Chance; Roach, master.	5946	Scow Elizabeth; Loring, master.
3937	Schooner Cayarian; Walter, master.	4071	Brig Eunice; Carlton, master.
3942	Brig Eliza; Robinson, master.	3367	Ship Science.
3947	Ship Eagle; Cowper, master.	3139	Ship Leviathan.
3948	Brig Eliza; Carson, master.	3280	Ship Zephyr.
3949	Brig Edmund; Abram, master.	3970	Sloop Janey.
3951	Schooner Felicity; Wilson, master.	3973	Schooner Lewis.
3960	Brig Hannah; Brown, master.	4000	Brig Penelope.
3965	Schooner Hiram; Parker, master.	4016	Schooner Three Arms; Talbot, master.
3967	Schooner Intrepid; Wilkinson, master.	4051	Brig Hannah; Clark, master.
3974	Sloop Little Andrew; Harriott, master.		
3977	Schooner Lydia; Fryer, master.		

By the Court.

Filed April 22, 1907.
A true copy.
Test this 17th day of March, A. D. 1908.
[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 801.

SLOOP JULIA.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SLOOP JULIA, WILLIAM GREEN, MASTER.

MARCH 21, 1908.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., March 20, 1908.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Julia*, William Green, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French spoliations. Act of January 20, 1885. 23 Stat. L., 283, vol. 1, supplement to R. S., 2d ed., 471. Vessel sloop *Julia*, William Green, master.]

No. of case.	Claimant.
520.	Silas R. Holmes, administrator de bonis non of Ebenezer Holmes, *v.* The United States.
860.	Wilbur S. Comstock, administrator de bonis non of Phineas Parmalee, *v.* The United States.
922.	Stephen L. Selden, administrator of Richard E. Selden, *v.* The United States.
1726.	Franklin Little, executor of Noah Bulkley, *v.* The United States.

PRELIMINARY STATEMENT.

This court filed findings of fact and conclusions of law in the above-entitled cases April 25, 1892.

These cases were again tried before the Court of Claims on the 11th day of February, 1908. The claimants were represented by H. W. Cragin, esq., and the United States, defendants, by the Attorney-General, through his assistant in the Department of Justice, John W. Trainer, esq., with whom was Assistant Attorney-General John Q. Thompson.

FINDINGS OF FACT.

The court, upon the evidence and after hearing the arguments and considering the same with the briefs of counsel on each side, determines the facts to be as follows:

I. The sloop *Julia*, a registered vessel of the United States of 60$\frac{8}{95}$ tons burden, whereof William Green, a citizen of the United States, was master, and Ebenezer

Holmes, Phineas Parmalee, Noah Bulkley, and Richard E. Selden, citizens of the United States, were owners, sailed on a commercial voyage in July, 1798, bound for Martinico, laden with a cargo of oxen, hay, corn, flour, beef, beans, pork, onions, hoops, and staves.

II. September 8, 1798, while peacefully pursuing said voyage, said vessel was seized on the high seas by the French privateer *Le Pelletier*, Monnier, master, and taken to Basseterre, Guadaloupe, where five days afterwards said vessel and cargo were condemned and sold for the benefit of the captors, and became a total loss to the owners thereof.

III. The grounds of condemnation, as set out in the decree, were as follows:

"Considering that the expedition of the said sloop was for Martinique, free territory to the enemy, occupied by the rebels.

"Apply article 1 of the decree of the special agents of the executive directory at the Windward Islands, dated 13th Pluviose, year 5." * * *

IV. The losses to the owners by reason of said capture and condemnation were as follows:

Value of vessel	$2,400.00
Freight earnings	1,006.00
Total	3,406.00

V. Said Ebenezer Holmes, Phineas Parmalee, Richard E. Selden, and Noah Bulkley were the sole owners of said vessel and freight, and the loss to each herein is one-fourth of the above named $3,406, to wit, $851.50.

VI. The ownership and neutrality of the cargo is not shown by any competent evidence.

The claimants have produced letters of administration on the estates of the parties for whom they appear, and have otherwise proved to the satisfaction of the court that the persons for whose estates they have filed claims are in fact the same persons who suffered loss by reason of the seizure and condemnation of the sloop *Julia*, as set forth in the preceding findings.

Said claims were not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803. They were not claims growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and were not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimants, in their representative capacity, are the owners of said claims, which have never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claims were relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States, and that the claimants are entitled to the following sums from the United States:

Silas R. Holmes, administrator of Ebenezer Holmes, eight hundred and fifty-one dollars and fifty cents	$851.50
Wilbur S. Comstock, administrator of Phineas Parmalee, eight hundred and fifty-one dollars and fifty cents	851.50
Stephen L. Selden, administrator of Richard E. Selden, eight hundred and fifty-one dollars and fifty cents	851.50
Franklin Little, executor of Noah Bulkley, eight hundred and fifty-one dollars and fifty cents	851.50

Amounting in all to three thousand four hundred and six dollars ($3,406).

BY THE COURT.

Filed March 9, 1908.
A true copy.
Test this 20th day of March, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 809.

J. W. CLOYD, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF J. W. CLOYD, ADMINISTRATOR OF J. W. CLOYD, DECEASED, AGAINST THE UNITED STATES.

MARCH 25, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, March 24, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 11188. J. W. Cloyd, administrator of John W. Cloyd, deceased, *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that John W. Cloyd, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed March 26, 1906.

[Court of Claims. Congressional, No. 11188. J. W. Cloyd, administrator of J. W. Cloyd, deceased, *v.* The United States.]

STATEMENT OF CASE.

This is a claim for stores and supplies, alleged to have been taken by the military forces of the United States during the war for the suppression of the rebellion. On the 20th day of February, 1903, the House of Representatives referred to the court a bill in the following words:

"[H. R. 5491, Fifty-seventh Congress, first session.]

"A BILL For the relief of the heirs of J. W. Cloyd, deceased.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropri-

ated, to the heirs of J. W. Cloyd, deceased, of Wilson County, Tennessee, the sum of six thousand three hundred and sixty dollars, for property taken by the Federal forces for their use during the war between the States."

The claimant appeared in this court August 20, 1903, and filed his petition, in which it is substantially averred that he is the administrator of J. W. Cloyd, deceased, formerly of the county of Wilson and State of Tennessee; that he has for a considerable number of years requested Members of Congress from his district to have this claim allowed; that J. W. Cloyd, deceased, was loyal throughout the war for the suppression of the rebellion; that the United States military forces took from decedent near the town of Green Hill, Wilson County, Tenn., during the years 1862, 1863, and 1864—

350 barrels of corn	$2,800
4,000 bundles of fodder	80
250 bushels of wheat	500
16 head of cattle	400
3 horses	450
500 cords of wood	1,500
15 head of hogs	150
40 stands of bees	80
Leather—contents of tanyard	400
Total	6,360

Said stores and supplies were taken by General Van Cleve's division of General Crittenden's corps in December, 1862, General Wilder's command in 1863, and Gen. O. M. Mitchell's command in 1863; forage taken by General Negley's command in 1863; wood was taken by General Kellog's command in 1863 and 1864.

On a preliminary inquiry the court, on the 26th day of March, 1906, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 19th day of March, 1908.

Burton T. Doyle, esq., appeared for claimant, and the Attorney-General, by George M. Anderson, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court upon the evidence adduced by the claimant, none being adduced by the defendants, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. Claimant's decedent, John W. Cloyd, was loyal to the Government of the United States throughout the late civil war, as heretofore found by the court March 26, 1906.

II. During said period the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent in Wilson County, State of Tennessee, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of two thousand one hundred and twenty-five dollars ($2,125), no part of which appears to have been paid.

III. The claim herein was never presented to any Department of the Government prior to its presentation to Congress and reference to this court by resolution of the House of Representatives as hereinbefore set forth in the statement of the case, and no reason is given why the bar of any statute of limitations should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

BY THE COURT.

Filed March 23, 1908.
A true copy.
Test this 24th day of March, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 813.

DANIEL CARROLL.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF DANIEL CARROLL AGAINST THE UNITED STATES.

MARCH 26, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, March 25, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12759. Daniel Carroll v. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Daniel Carroll, the person alleged to have furnished such supplies or stores or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed February 3, 1908.

[Court of Claims. Congressional case No. 12759. Daniel Carroll v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case, for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 12th day of February, 1907.

On a preliminary inquiry the court, on the 3d day of February, 1908, found that the person alleged to have furnished the supplies or stores or from whom they were alleged to have been taken was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 16th day of March, 1908.

Francis L. Neubeck, esq., appeared for claimant, and the Attorney-General, by Percy M. Cox, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in Tuscaloosa County, State of Alabama, where he resided during the late war of the rebellion; that at different times during said period the United States forces, by proper authority, took from petitioner quartermaster stores and commissary supplies of the value of $177 and appropriated the same to the use of the United States Army, as follows:

Taken on or about April 1, 1865, by troops belonging to Major-General Wilson's army:

1 mare	$150
80 pounds of bacon	20
7 bushels of corn	7
Total	177

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

During the late civil war at different times the military forces of the United States, by proper authority, for the use of the Army, took from the claimant in Tuscaloosa County, Ala., commissary stores and supplies of the kind and character described in the petition which were at the time and place of taking reasonably worth the sum of one hundred and fifty dollars ($150), no part of which appears to have been paid.

BY THE COURT.

Filed March 23, 1908.
A true copy.
Test this 25th day of March, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 821.

SLOOP HIRAM.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE CONCLUSIONS OF LAW AND OF FACT IN THE FRENCH SPOLIATION CASES RELATING TO THE SLOOP HIRAM, PARDON SHELDON, MASTER.

MARCH 28, 1908.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS,
Washington, D. C., March 27, 1908.

SIR: Pursuant to the order of the Court of Claims, I transmit herewith the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Hiram*, Pardon Sheldon, master.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. French Spoliations. Act of January 20, 1885, 23 Stat. L., 283. Sloop *Hiram*, Pardon Sheldon, master.]

No. of case.	Claimant.
2529.	The Rhode Island Hospital Trust Co., trustee for the Providence, Washington Insurance Company.

CONCLUSIONS OF FACT.

This case was tried before the Court of Claims on the 6th day of December, 1892. The claimant was represented by Edward Lander, esq., and the United States, defendants, by the Attorney-General, through his assistants in the Department of Justice, Charles W. Russell, and Alex. C. Moore, esqrs., with whom was Assistant Attorney-General John B. Cotton.

The court, upon the evidence, and after hearing the arguments and considering same, with the briefs of counsel on each side, determined the facts to be as follows:

I. On the 22d of March, 1800, the sloop *Hiram*, a duly registered vessel of the United States, measuring 59 70/95 tons, whereof Pardon Sheldon was master, sailed from Charleston, S. C., with a cargo on board consisting of tobacco, rice, pork, beef, staves, and other articles, bound for the island of St. Thomas,

On the 28th day of April, 1800, the *Hiram* was captured by the privateer *Le Soleil*, Captain Guy, and on the 1st of June, 1800, was condemned by a decree of the tribunal of commerce sitting at Basse-Terre, island of Gaudeloupe, as follows:

"*In the name of the French Republic:*

"The tribunal of commerce and of prizes established in the island of Gaudeloupe, sitting at Basse-Terre in said island, in its ordinary meeting of the 12th of Prairial, year 8 of the French Republic, one and indivisible.

"Considering the proces verbal relating to the affixing of the seals on board the American vessel *Hiram*, from Providence, Captain Pardon Sheldon, captured by the privateer *Le Soleil*, Captain Guy, owned by the citizen Soher, which proces verbal was made by citizen Balthazar Bigard, commissioner of the Government (of the agents of the consuls of the French Republic), in the Swedisch island St. Barthélemy on the 9th of Floréal last, to which is attached the inventory of the shipping papers of said vessel; also the interrogatories of said Captain Pardon Sheldon and John Actsworth, cabin-boy of said captain, which were placed at the bar.

"Having heard the president's report and the argument of the commissioner of the Government the case deliberated upon.

"Whereas it appears from said reports (the papers of the vessel were thrown overboard as was testified to before the justice of the peace of Port de la Liberté by citizen Bigard, in whose care they were; the compared extract figures with the documents of the 22 Floréal last) that the list of the crew found among said vessel's papers is without the signature of any public officer and therefore void.

"By applying, 1st, article 12 of the regulations concerning seizures dated October 21, 1744, which says: 'Will be lawful prizes all foreign vessels on which, etc., or which have not on board the list of the crew as prescribed and issued by the public authorities of the neutral ports from which those vessels have sailed.'

"2d. Article 4 of the decree of the Executive Directory of Ventose 12, year 5, reading thus: 'In conformity with the law of February 14, 1793, the dispositions of the prescriptions of October 21st, 1744, and July 26th, 1778, concerning the manner to establish the ownership of neutral vessels and cargoes will be carried out according to form and tenor.

"'Therefore every American vessel will be declared good prize which has not on board a list of the crew, in due form, as prescribed by the model attached to the treaty of February 6th, 1778, the application of which is prescribed by articles 25 and 27 of the same treaty.'"

The tribunal giving judgment in favor of the demand of the commissioner of the Government declares to be good prize the American vessel *Hiram*, together with her rigging, appurtenances, and cargo, and decrees their sale in the accustomed manner to the benefit of captors, owners, and interested parties of the privateer *Le Soleil*, an inventory being made of all beforehand in presence of those concerned.

II. By virtue of said decree, said vessel and cargo became a total loss to the owners thereof.

III.

The value of the vessel was	$2,000.00
The value of the cargo was	1,590.39
Amounting in all to	3,590.39

IV. Oliver Earle, William Earle, Benjamin E. Gorton, and John Earle, all citizens of the United States, were the owners of the vessel.

V. The cargo was owned by William Earle, Charles Sheldon, Oliver Earle, Joseph Tillinghast, Benjamin E. Gorton, William E. Tillinghast, and John Sheldon, all citizens of the United States.

VI. On the 24th of January, 1800, the Washington Insurance Company insured William Earle, Charles Sheldon, and Oliver Earle in the sum of $2,300 on the sloop *Hiram* and cargo, from Providence to Charleston, and from thence to at and from St. Thomas, to any port in the United States, $1,200 on vessel, and $1,100 on cargo. On October 24, 1800, the said Washington Insurance Company paid to the said William Earle and Oliver Earle the sum of $1,533.33 as for a total loss, payment of which is shown by receipt for said amount dated October 24, 1800. On September 29, 1800, said insurance company paid to Charles Sheldon $766.67 as for a total loss, payment of which is established by receipt for said amount, dated September 29, 1800.

VI. On the 30th of April, 1800, said Washington Insurance Company insured Messrs. Joseph Tillinghast, Benjamin E. Gorton, and William E. Tillinghast in the sum of $800 on sloop *Hiram* and cargo, from South Carolina to St. Thomas—$400 on the vessel and $400 on the cargo.

On October 21, 1800, said insurance company paid the insured as for a total loss the sum of $800, which payment is established by receipt for said amount, dated October 21, 1800.

VII. On the 30th of April, 1800, said Washington Insurance Company insured Messrs. Pardon Sheldon and John J. Sheldon in the sum of $400, value on board sloop *Hiram*—$300 for Pardon Sheldon, being on his commissions and adventure valued at this sum, and $100 for John J. Sheldon, being on his adventure and wages valued at that sum, from Charleston to St. Thomas and from thence to any one port in the United States.

On October 21, 1800, said Washington Insurance Company paid the insured the sum of $400, as for a total loss, which payment is established by receipt dated October 21, 1800.

VIII. The losses of the Washington Insurance Company, by reason of the capture of the *Hiram* and for which it was entitled to indemnity, amounts to $3,500.

IX. The said Washington Insurance Company, a corporation existing under the laws of the State of Rhode Island, made the insurance as set out in the preceding findings. In March, 1820, the Washington Insurance Company was incorporated with the Providence Insurance Company, and the name became thereafter the Providence-Washington Insurance Company. Upon the increase of capital stock of the Providence-Washington Insurance Company, and for the purpose of securing to the then stockholders thereof and their legal representatives all sums of money which might thereafter be collected from the United States on account of French spoliation claims, the Providence-Washington Insurance Company, on the 1st day of May, 1875, assigned all their French spoliation claims, including the claim which is the subject of this report, to the Rhode Island Hospital Trust Company, a corporation existing under the laws of Rhode Island, in trust for the benefit of such stockholders and their legal representatives.

Said claim was not embraced in the convention between the United States and the Republic of France concluded on the 30th of April, 1803, and was not a claim growing out of the acts of France allowed and paid in whole or in part under the provisions of the treaty between the United States and Spain concluded on the 22d of February, 1819, and was not allowed in whole or in part under the provisions of the treaty between the United States and France of the 4th of July, 1831.

The claimant, in its representative capacity, is the owner of said claim, which has never been assigned except as aforesaid.

CONCLUSIONS OF LAW.

The court decides as conclusions of law that said seizure and condemnation were illegal, and the owners and insurers had valid claims of indemnity therefor upon the French Government prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800; that said claim was relinquished to France by the Government of the United States by said treaty in part consideration of the relinquishment of certain national claims of France against the United States; and that the claimant is entitled to the following sum from the United States, as follows:

The Rhode Island Hospital Trust Company, trustee for the Providence, Washington Insurance Company, to the sum of three thousand five hundred dollars $3,500

BY THE COURT.

Filed January 3, 1893.
A true copy.
Test this 27th day of March, A. D. 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. } DOCUMENT No. 822.

WILLIAM E. CARTER, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF WILLIAM E. CARTER, ADMINISTRATOR OF MELVINA A. CARTER, DECEASED, AGAINST THE UNITED STATES.

MARCH 28, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, March 27, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 11751. Estate of Melvina A. Carter, deceased, v. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Melvina A. Carter, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed March 11, 1907.

[Court of Claims. Congressional case No. 11751. William E. Carter, administrator of estate of Melvina A. Carter, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores, alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 10th day of January, 1905.

On a preliminary inquiry the court, on the 11th day of March, 1907, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 10th day of March, 1908.

John S. Duffie, esq., appeared for claimant, and the Attorney-General, by Charles F. Kincheloe, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That during the war for the suppression of the rebellion Melvina A. Carter, now deceased, was, during the year 1863, living in the county of Hardeman, Tenn., was then and there the owner of certain property; that the Federal troops under the command of an officer by the name of Logan, during 1863, took from her, at the said county, for the use of the Federal Army, by the authority of the said Logan, two mules, each of the value of $250; one horse, $175; total, $675.

That Representative John S. Little, on the 9th day of January, 1905, introduced into the Lower House of Congress a bill, H. R. 17428, for the relief of the legal representatives of the estate of Melvina A. Carter.

Petitioner further says that a claim for the value of said horse and mules was filed with the Quartermaster-General, Washington, D. C., August 26, 1865, in the sum of $675; that said claim was not allowed by the Quartermaster-General, who was unable to certify that he was satisfied of the loyalty of the claimant. A note to that effect is herewith filed with this petition, dated November 16, 1905.

Petitioner further says that every legal and proper effort has been made in the proper channels, from said time continuously down to the present time, for the collection of said claim.

That said Melvina A. Carter was, at the time of said taking and during the entire period of said war, loyal to the United States, and that at no time during said war were any of the heirs of said Melvina A. Carter old enough to have any political opinions.

Said petition concludes with prayer for findings of facts.

Subsequently, to wit, on December 1, 1906, said administrator filed a supplemental petition, in which he avers:

That after filing his first petition he discovered that, in addition to the 2 mules and 1 horse taken from the said Melvina A. Carter, there was at the said time and place also taken by the Federal troops 100 bushels of corn, 50 cents per bushel, $50; 1,000 binds of fodder, 2½ cents per bind, $25; 1½ tons of hay, $30; 7 barrels of flour, $70; 12 barrels of meal, $60; 1 new two-horse wagon, $100; 1 set of double wagon harness, $50; $500 in gold coin; making a total of $888, making a grand total of $1,560.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDING OF FACT.

During the late civil war, in the year 1863, the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent in Hardeman County, Tenn., property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of two hundred and forty dollars ($240), no part of which appears to have been paid.

BY THE COURT.

Filed March 16, 1908.
A true copy.
Test this 27th day of March, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 837.

R. B. BOTTOM, EXECUTOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF R. B. BOTTOM, EXECUTOR OF HENRY P. BOTTOM, DECEASED, AGAINST THE UNITED STATES.

APRIL 3, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, April 2, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, Nos. 9877 and 2514. Estate of Henry P. Bottom, deceased, *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Henry P. Bottom, deceased, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed March 7, 1907.

[Court or Claims. Congressional case Nos. 9877 and 2514, consolidated. R. B. Bottom, executor of the last will and testament of Henry P. Bottom, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case, for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims, House of Representatives, on the 19th day of January, 1899.

On a preliminary inquiry the court, on the 7th day of March, 1904, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 29th day of October, 1907.

W. W. Dudley, esq., appeared for claimant, and the Attorney-General, by W. W. Scott, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his amended petition makes the following allegations:

During the late civil war the decedent owned and occupied a farm on the Maxwell road, near Perryville, in Boyle County, Ky., on which premises the decedent owned and kept large numbers of farm live stock and large quantities of grain and all other kinds of farm property.

In the month of October, 1862, while the United States forces were in possession of or were overrunning that locality, before, during, and after the battle of Perryville, the officers of the United States entered the premises of the decedent and took therefrom the following items of property belonging to said decedent:

Commissary stores:		
4 head of beef cattle, weighing net 2,200 pounds, at 6 cents per pound	$132.00	
14 head of sheep, weighing 840 pounds, at 6 cents per pound	50.40	
2,800 pounds of pork at 5 cents per pound	140.00	
1,300 pounds of bacon at 10 cents per pound	130.00	
5 head of beef cattle, weighing net 2,750 pounds, at 6 cents per pound	165.00	
16 head of sheep, making 960 pounds, at 6 cents per pound	57.60	
5,740 pounds of pork at 5 cents per pound	287.00	
3,200 pounds of bacon at 10 cents per pound	320.00	
Total		$1,282.00
Quartermaster stores:		
215 cords of wood at $3.50 per cord	752.50	
2,220 bushels of corn at 60 cents per bushel	1,320.00	
14 tons of hay at $15 per ton	210.00	
50 bushels of oats at 60 cents per bushel	30.00	
1 grey mare, 15½ hands high, 5 years old	150.00	
1 grey horse, 16 hands high, 5 years old	150.00	
105 cords of wood at $3.50 per cord	367.50	
800 bushels of corn at 60 cents per bushel	480.00	
8 tons of hay at $15 per ton	120.00	
Total		3,580.00
Grand total		4,862.00

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

I. During the late civil war the claimant's decedent, Henry P. Bottom, owned and kept a farm quite near Perryville, in Boyle County, Ky., on which premises he owned and kept some live stock and grain and other kind of property, as set forth in the petition.

Said farm was a portion of the ground upon which the battle of Perryville was fought in October, 1862. At the time of the battle the farm was in a good state of cultivation, and the decedent raised various kinds of crops thereon.

II. For some time before said battle of Perryville the Confederate forces were camped in the vicinity of decedent's farm (within a mile or two). The day before the battle a force of Confederate soldiers was camped in the immediate vicinity and around the farm, and a small force of Federal cavalry occupied a portion of the farm and a skirmish occurred on the premises. When the general engagement known as the battle of Perryville began both Union and Confederate forces occupied the farm, and continued to so occupy the same during the progress of the battle. During the battle a field containing about 500 bushels of corn in the shock and all the fencing around the premises was trampled down by both Union and Confederate armies and by the artillery passing over the ground, and much of the corn and fencing was destroyed.

III. After the battle the Confederate forces slept on their arms, but before or about daylight on the morning of the 9th of October, which was the day after the battle—the Confederate army retreated, leaving the Union troops in possession.

After the battle aforesaid and while the forces of Union troops were encamped upon the premises for two or three days, said forces took and used property of the kind and character described in the petition, including such of the corn and fencing as remained on the field after the battle, all of which was then and there of the reasonable value of seventeen hundred and fifteen dollars ($1,715) for which no payment appears to have been made.

For the property damaged or destroyed during the battle, as set forth in finding II, the court under the provisions of section 3 of the Bowman Act has no jurisdiction to consider, and hence no allowance is made therefor.

BY THE COURT.

Filed March 31, 1908.
A true copy.
Test this 2d day of April, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 850.

WILLIAM DUNN, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF WILLIAM DUNN, ADMINISTRATOR OF WOODFORD DUNN, DECEASED, AGAINST THE UNITED STATES.

APRIL 4, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, April 3, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 2399. Woodford Dunn *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Woodford Dunn, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed June 13, 1898.

[Court of Claims. Congressional case No. 2399. William Dunn, administrator of Woodford Dunn, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims, House of Representatives, on the 14th day of February, 1888.

On a preliminary inquiry the court, on the 13th day of June, 1898, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 10th day of March, 1908.

Wilson & Barksdale, esqs., appeared for claimant, and the Attorney-General, by M. L. Blake, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant, in his petition, makes the following allegations:

That he is a citizen of the United States and a resident of Sumner County, in the State of Tennessee, and files this petition as administrator of the estate of Woodford Dunn, deceased, formerly a citizen of the United States, residing in Edmonson County, Ky.

That he files this petition on behalf of himself and G. Dunn and Nannie Chenault, who are the children of the said Woodford Dunn and his only heirs at law, and Mary C. Dunn, the widow of the said Woodford Dunn, deceased.

That the said claim is for commissary supplies to the amount of $3,496, seized from the said Woodford Dunn, deceased, while residing in Edmonson County, Ky., as follows:

22,000 pounds pork, at 8 cents	$1,760
28 bushels of salt, at $2	56

Said supplies were seized September 15, 1862, by Lieut. Col. Chas. C. Peck, of the Sixth Ohio Infantry, and acting commissary of subsistence to Brig. Gen. S. J. Wood, commanding the Sixth Division, Army of the Ohio, while the army was on the march.

7,500 pounds of pork, at 8 cents	$600
7,500 pounds of mutton, at 6 cents	450

Said supplies were seized October 8, 1862, by Lieut. W. C. McLeland, quarter-master, Sixth Indiana Infantry, and acting commissary of subsistence to General Sill's Fourth Brigade, Second Division, Army of the Ohio, and issued to the men as rations.

600 bushels of potatoes, at $1	$600
80 gallons of vinegar, at 37½ cents	30

Said supplies were seized September 15, 1862, by Capt. J. D. Williams, commissary of subsistence to Maj. Gen. McD. Cook, First Corps of the Army of Ohio, while on line of march in Edmonson County, Ky.

The court, upon the evidence and after the consideration of briefs and after hearing the arguments of the respective counsel, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States by proper authority, for the use of the army, took from claimant's decedent in Edmonson County, State of Kentucky, property of the kind and character described in the petition, which at said time and place was reasonably worth the sum of nine hundred and ten dollars ($910), no part of which appears to have been paid.

BY THE COURT.

Filed March 16, 1908.
A true copy.
Test this 3d day of April, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

O

60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 861.

COLEMAN T. BROWN.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF COLEMAN T. BROWN AGAINST THE UNITED STATES.

APRIL 14, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, April 13, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 2350. Coleman T. Brown v. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Coleman T. Brown, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed January 7, 1889.

[Court of Claims. Congressional case No. 2350. Coleman T. Brown v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 14th day of February, 1888.

On a preliminary inquiry the court, on the 7th day of January, 1889, found that the person alleged to have furnished the supplies or stores, or from whom they were

alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 30th day of March, 1908.

Brandenburg & Brandenburg appeared for claimant, and the Attorney-General, by M. L. Blake, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That during the said war he was a resident of Green County, State of Kentucky, and was the owner and possessor on his farm in said county and State of certain quartermaster stores and commissary supplies, which in the fall of 1862 were seized and appropriated to the use of the military forces of the United States then stationed and operating in said locality, according to the following bill of items:

88 tons of hay, at $20	$1,760
240 cords of wood, at $3	720
600 bushels of oats, at 80 cents	480
720 bushels of corn, at 50 cents	360
1,200 feet of lumber, at 15 cents	180
8,000 pounds of fodder, at 1 cent	80
1 gray horse	160
1 brown horse	160
1 horse	150
1 brown mare	130
Total	4,180

The court, upon the evidence and after the consideration of briefs and after hearing the arguments of the respective counsel, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from the claimant in Green County, State of Kentucky, property of the kind and character described in the petition, which at the time and place of taking was reasonably worth the sum of sixteen hundred and twenty dollars ($1,620), no part of which appears to have been paid.

BY THE COURT.

Filed April 6, 1908.
A true copy.
Test this 13th day of April, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 863.

J. MINNICK WILLIAMS, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF J. MINNICK WILLIAMS, ADMINISTRATOR OF CHARLES N. ORDWAY, DECEASED, AGAINST THE UNITED STATES.

APRIL 16, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, April 15, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims of the House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 4563. Charles N. Ordway *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Charles N. Ordway, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed January 16, 1905

[Court of Claims, Congressional case No. 4563. J. Minnick Williams, administrator of the estate of Charles N. Ordway, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims of the House of Representatives on the 7th day of May, 1888.

On a preliminary inquiry the court, on the 16th day of January, 1905, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the — day of April, 1908.

Messrs. Dudley & Michener appeared for claimant, and the Attorney-General, by W. W. Scott, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

During the period of the civil war decedent resided in Giles County, Tenn., where he was possessed of a large plantation and large quantities of all kinds of property of the nature found on such plantations, including live stock, wood, provisions, stock feed, and farm utensils.

During the occupation of that locality by the United States troops the following items of property owned by him were taken from his premises by the officers of the United States Government and appropriated to the uses of the United States:

6 horses, at $200	$1,200
5 horses, at $175	875
5 horses, at $150	750
7 mules, at $150	1,050
800 rails burned in camps, 8 cords, at $3	24
7,520 rails used as fuel, estimated at 150 cords, at $4	600
40 cords of wood, at $2	80
66 cords of wood, at $6	396
40 bushels of corn, at 75 cents per bushel	30
343 bushels of corn, at $1 per bushel	343
4,900 pounds of fodder, at $2 per 100	98
Total	5,446

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent, Charles N. Ordway, in Giles County, State of Tennessee, property of the kind and character described in the petition, which at the said time and place was reasonably worth the sum of three thousand and twenty-five dollars ($3,025), no part of which appears to have been paid.

BY THE COURT.

Filed April 13, 1908.
A true copy.
Test this 14th day of April, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 875.

SAMUEL A. SHELTON, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF SAMUEL A. SHELTON, ADMINISTRATOR OF HENRY BENNETT, DECEASED, AGAINST THE UNITED STATES.

APRIL 22, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, April 21, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 4394. Henry Bennett *v.* The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Henry Bennett, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed February 3, 1902.

[Court of Claims. Congressional case No. 4394. Samuel A. Shelton, administrator of the estate of Henry Bennett, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case, for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims on the 1st day of May, 1888.

On a preliminary inquiry the court on the 3d day of February, 1902, found that the person alleged to have furnished the supplies or stores, or from whom they were

alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 25th day of February, 1908.

Messrs. George A. & Wm. B. King appeared for claimant, and the Attorney-General, by George E. Boren, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

The claimant, Henry Bennett, respectfully represents that he is a resident of the State of Kansas and did not give any aid or comfort to the said rebellion, but was throughout that war loyal to the Government of the United States.

That the following property belonging to him was taken from him by the United States Army and used by the said Army, the date, place, and command being particularly stated below:

In Allen County, in the State of Kansas, on or about 1861, 1862, 1863, and 1864, by Colonel Jennison's Fifteenth Kansas Volunteers, the Third Wisconsin Volunteers, and the Eleventh Kansas Volunteers:

160 acres of timber	$5,000.00
26,237 feet of lumber, at $2 per C	724.74
Horse, saddle, and bridle	175.00
1 calf	10.00
40 fat hogs, 10,000 pounds, at $10 per C	1,000.00
Total	6,909.74

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDING OF FACT.

During the war for the suppression of the rebellion there was taken from the claimant's decedent in Allen County, State of Kansas, by various soldiers under the command of Colonel Jennison, of the Fifteenth Kansas Volunteers, property of the character and kind described in the petition, but the authority therefor is not shown. The reasonable value of the property so taken was at the time and place the sum of eight hundred and forty-five dollars ($845), no part of which appears to have been paid.

BY THE COURT.

Filed February 25, 1908.
A true copy.
Test this 21st day of April, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 878.

JUDGMENTS RENDERED BY COURT OF CLAIMS IN INDIAN DEPREDATION CASES.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING,

WITH A LETTER FROM THE ATTORNEY-GENERAL, A LIST OF JUDGMENTS RENDERED BY THE COURT OF CLAIMS IN INDIAN DEPREDATION CASES.

APRIL 23, 1908.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 22, 1908.

SIR: I have the honor to transmit herewith a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases, amounting to $114,449, as submitted by the Attorney-General, and which require an appropriation for their payment.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF JUSTICE,
Washington, April 21, 1908.

SIR: I have the honor to transmit herewith, to be certified to Congress for appropriation, a list of judgments by the Court of Claims in favor of claimants in Indian depredation cases, for which no appropriation has heretofore been made.

Respectfully,

CHARLES J. BONAPARTE,
Attorney-General.

The SECRETARY OF THE TREASURY.

List of judgments in Indian depredation claims in favor of claimants.

In whose favor rendered.	Amount claimed.	Amount of judgment.	Date of judgment.
Elmer E. Veeder, administrator Manuel Ulibarri, deceased	$265	$115	Mar. 4, 1907
G. A. McCall, administrator Maria E. Marshall, deceased	400	210	Apr. 29, 1907
A. L. Dodd, administrator John Darling, surviving partner of the firm of Kennedy & Darling	3,100	2,990	May 13, 1907
Severo Montez	100	100	Oct. 28, 1907
C. W. Gurley, executor Joseph T. Gurley, deceased	225	145	Do.
Will N. Terry, administrator Theodore Terry, deceased	600	550	Do.
Watson Houtz	610	475	Nov. 4, 1907
Walter Isbell, administrator John B. Kearby, deceased	2,100	1,080	Nov. 11, 1907
Edward Payne, administrator William T. Sampson, deceased	730	210	Do.
Charles Primeau	51,597	7,350	Dec. 2, 1907
J. Goodlow Neelly, administrator Thomas J. Fleming, deceased	300	155	Do.
John C. Lynch	14,990	3,640	Do.
E. L. Ramsey, administrator Samuel H. Allen, deceased, and George J. Watson, administrator J. L. Allen and J. P. Allen, deceased	2,125	750	Do.
George F. Hinds, surviving partner Lowe & Hinds	6,750	3,100	Do.
Henry Y. Black	3,570	1,945	Do.
J. Yrissari, administrator Juan Cristobal Armijo, deceased	70,400	17,780	Dec. 9, 1907
Samuel B. Raney	850	160	Do.
Josefa G. Rounsville, administratrix Rafael Whittington, deceased	3,330	750	Do.
Thomas D. Heard	200	150	Do.
Winey Keaner	500	240	Do.
Wiley R. Schrier	545	360	Do.
Emily Kirby, widow and survivor in community of W. R. Terry, deceased	625	230	Do.
John H. Noakes	350	120	Do.
Paz Chavez de Trujillo	2,050	1,330	Do.
John R. Wilson	18,750	8,100	Jan. 6, 1908
Rufus C. Holland	2,825	1,534	Do.
Lucella D. Williams, administratrix William S. Berry, deceased	3,000	370	Do.
William A. Edgin	75	75	Jan. 13, 1908
David C. Leuty, administrator Ellen Wilson, deceased	2,775	1,740	Do.
Fritz R. Leifeste	175	105	Jan. 20, 1908
J. H. Logsdon, administrator William Logsdon, deceased	200	150	Feb. 3, 1908
Jacinto Gallegos, administrator Jose Angel Gallegos, deceased	640	260	Do.
Barbara Garcia, administratrix Jose Garcia, deceased	675	225	Do.
Clem Wilson	3,925	790	Do.
Vicente Sanches y Contreras	1,550	400	Feb. 4, 1908
Maria L. Baker	1,045	460	Feb. 10, 1908
Gabe Choate	640	290	Do.
Rachel Curtis, widow Joseph H. Curtis, deceased	650	320	Do.
Jose Torrez	550	220	Do.
Martha E. Fletcher, executrix William G. Fletcher, surviving partner Meyer & Fletcher	25,100	2,950	Feb. 12, 1908
Bartolome Valdez	500	275	Feb. 17, 1908
John A. Barnett	1,608	680	Feb. 20, 1908
Edward Kauffmann	645	290	Feb. 25, 1908
Herman Beckman, in his own right and as administrator Henry Beckman, deceased	605	340	Do.
Daniel Epley, administrator George Epley, deceased	420	260	Do.
Elizabeth J. Latta, administratrix James M. Latta, deceased	100,000	12,275	Do.
Mauricio Valdez, administrator Jesus Maria Valdez, deceased	350	192	Do.
Monica Montoya de Trujillo, administrator Jose Trujillo y Baca, deceased	24,630	2,670	Mar. 16, 1908
Monica Montoya de Trujillo, administrator, Jose Trujillo y Baca, deceased	2,535	1,400	Do.
Samuel L. Straughan, administrator, David Mobley, deceased	1,150	85	Do.
Ebenezer R. Freeman	900	580	Do.
William G. Mobley	400	155	Do.
Gus Henley	1,350	693	Do.
Samuel L. Straughan, administrator, David A. Mobley, deceased	125	40	Do.
Andrew N. Morris	1,150	215	Do.
Hulda Trumbull, administratrix, William M. Sneed, deceased	1,195	320	Do.
Enoch Whithurst	495	145	Do.
Joseph S. Leverett	275	125	Mar. 17, 1908
Pedro A. Seno, administrator, Catarino Sena y Romero, deceased	2,840	795	Mar. 23, 1908
Catarino Montoya	1,250	310	Do.
Bentura Trujillo	4,145	160	Do.
Charles P. Vance	350	200	Do.
Soledad de los Reyes Chavez, administrator, Felipe Martin, deceased	358	185	Mar. 30, 1908
George J. Gray	1,000	300	Do.
Simona Baca, administrator, Jesus Montoya, deceased	1,650	465	Do.
James L. Crawford, administrator, W. P. K. Kincannon, deceased	400	200	Apr. 6, 1908
Jose Silbero Garcia	275	215	Do.

List of judgments in Indian depredation claims in favor of claimants—Continued.

In whose favor rendered.	Amount claimed.	Amount of judgment.	Date of judgment.
Teresa Luna de Rael, administratrix, Francisco Rael, deceased..	$1,800	$510	Apr. 13,1908
Samuel Hughes, 3d, administrator, Thomas Hughes, deceased..	64,750	7,225	Do.
Charles N. Miltimore, administrator, Edwin A. Miltimore, deceased	5,950	1,970	Do.
Reuben Vaughan	350	225	Do.
Julian R. Garcia, administrator, Jesus Garcia y Apodaca, surviving partner, Jesus Garcia & Co	6,240	2,835	Apr. 20,1908
J. C. Skaggs, administrator, Meshac Skaggs, deceased	7,600	1,140	Do.
Onesima L. de Luna, administrator, Federico Luna, deceased..	10,825	4,500	Do.
Luis Parra	2,550	230	Do.
Ezekiel House	5,600	3,600	Do.
Jesus Salazar y Otero, surviving partner, Juan Salazar y Otero and Jesus Salazar y Otero	6,900	930	Do.
Charles T. Hayden	2,275	1,380	Do.
William F. Grimmett	2,775	2,410	Do.
William G. Gibson	16,300	2,000	Do.
	513,493	114,449	

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 888.

JUDGMENTS RENDERED BY COURT OF CLAIMS.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

A LIST OF JUDGMENTS RENDERED BY THE COURT OF CLAIMS.

APRIL 27, 1908.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 25, 1908.

SIR: I have the honor to transmit herewith for the consideration of Congress a list of judgments rendered by the Court of Claims amounting to $894,465.84, which have been presented to this Department and require an appropriation for their payment, as follows:

Legislative miscellaneous	$1,000.00
War Department	54,368.52
Navy Department	27,462.67
Department of Commerce and Labor	3,239.28
Department of Interior	788,866.87
Department of Agriculture	10,190.98
Post-Office Department	7,203.77
Department of Justice	2,133.75
Total	894,465.84

Respectfully,

J. B. REYNOLDS, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Judgments rendered by the Court of Claims.

No.	Name of claimant.	Date of judgment.	Amount.	When presented for payment.	When payable if not appealed.	Nature of claim.
	LEGISLATIVE MISCELLANEOUS.					
21347	Samuel A. Drury, executor of William A. Richardson, deceased.	1908 Mar. 9	$1,000.00	1908 Mar. 19	1908 June 7	Compensation for editing supplement to Rev. Stat. U. S., act Feb. 27, 1893.
	WAR DEPARTMENT.					
24884	Madison J. Bray, Commodore D. Dotson, and Alfred Heine, as trustees in bankruptcy of the Evansville Contract Co., a corporation.	1908. Mar. 23	5,137.50	1908. Mar. 26	1908. June 21	Under contract with War Department for constructing dams and locks on Ohio River.
24885	.....do.....	....do...	1,032.10	....do...	....do...	Do.
24886	.....do.....	....do...	3,555.50	Apr. 1	....do...	Do.
21102	Frank Damascio.....	Feb. 25	413.00	Mar. 29	May 25	Under contract with War Department for constructing buildings at Fort Logan, Colo.
24805	Harry Walsh.....	....do...	533.05	Mar. 31	....do...	Pay as officer, U. S. Volunteers.
26107	Cecilio Zison and Pablo Zison, in his own right and as guardian of the minor children of Antonino Tan Seco, deceased, $6,607.06, as follows:					
	Cecilio Zison and Pablo Zison.	1907. Apr. 22	4,282.06	1907. May 9	1907. July 21	Proceeds of drafts alleged to have been taken from claimant in the Philippine Islands in 1901 and covered into U. S. Treasury.
	Pablo Zison as guardian of the minor children of Antonino Tan Seco, deceased.	....do...	2,325.00	....do...	....do...	Do.
29642	Nicholas Ittner.....	1908. Apr. 13	4,860.00	1908. Apr. 17	1908. July 12	Balance due under contract with Quartermaster's Department.
24920	Cincinnati, New Orleans and Texas Pacific Rwy. Co.	Mar. 30	10,855.59	Apr. 20	June 28	Army transportation.
30033	W. A. Boole & Son (Incorporated).	Feb. 25	2,680.00	Apr. 23	May 25	Compensation for use of tugs, etc., by War Department for relief following the earthquake at San Francisco, Cal., April 18, 1906.
29888	James A. Townsend and Wallace Downey, late partners doing business as Townsend & Downey.	Apr. 20	5,436.60	....do...	July 19	Balance due on contract with Engineer Department, U. S. Army.
26852	Conrad Reichherzer....	....do...	266.25	....do...	....do...	Travel allowance as enlisted man, U. S. Army.
25869	Alfred A. McClure.....	1907. Mar. 11	25.00	1908. Jan. 27	1907. June 9	Pay, etc., as volunteer, civil war, act Feb. 24, 1897.
28777	Henry Brown, son and heir of Jerry Brown, deceased.	Apr. 22	299.51	....do...	July 21	Do.
23163	John Dorety.....	1908. Jan. 20	25.00	....do...	1908. Apr. 19	Do.
29201	Charles Farmer.....	1907. May 6	166.67	Feb. 26	1907. Aug. 4	Extra pay to volunteers, war with Spain.
29200	William E. Cabell.....	Oct. 28	150.00	....do...	1908. Jan. 26	Do.
29249	Howard S. Dearing.....	....do...	208.33	...do...	....do...	Do.
29276	Frederick S. Howes.....	....do...	150.00	....do...	....do...	Do.
29291	William L. Young.....	....do...	250.00	....do...	....do...	Do.
29283	Frederick W. Harrison.	....do...	116.67	....do...	....do...	Do.
29282	David Fuller.....	Dec. 12	125.00	....do...	Mar. 11	Do.

Judgments rendered by the Court of Claims—Continued.

No.	Name of claimant.	Date of judgment.	Amount.	When presented for payment.	When payable if not appealed.	Nature of claim.
	WAR DEPARTMENT—continued.					
29258	Charles P. Nutter	1908. Feb. 3	$150.00	1908. Feb. 26	1908. May 3	Extra pay to Volunte war with Spain.
29264	Joseph L. Gibbs	....do...	150.00	....do...	....do...	Do.
29270	James H. Gowing	....do...	116.67	....do...	....do...	Do.
23763	Frank H. Revere	....do...	125.00	Mar. 5	....do...	Do.
26263	John S. Doorty	....do...	125.00	....do...	....do...	Do.
28387	Clay Miller	....do...	5.72	....do...	....do...	Do.
28513	Joseph C. Reifsnyder	....do...	66.67	....do...	....do...	Do.
24880	Joseph Gauthier	Feb. 10	26.00	....do...	May 10	Do.
25350	George F. A. Bruenggeman.	....do...	150.00	....do...	....do...	Do.
27414	Henry F. Hoffman	....do...	31.20	....do...	....do...	Do.
28884	Wilhelmina Harms, mother of Frederick Harms, deceased.	Feb. 17	31.20	....do...	May 17	Do.
29023	Carlton W. Bradley	....do...	116.67	....do...	....do...	Do.
25280	William G. Stair	....do...	41.67	....do...	....do...	Do.
25397	William A. McKenzie	....do...	233.34	....do...	....do...	Do.
25595	William G. Latimer	....do...	416.66	....do...	....do...	Do.
25752	Gustav C. Groll	....do...	42.78	....do...	....do...	Do.
25921	Lewis R. Gaylord	....do...	300.00	....do...	....do...	Do.
27137	Leander M. Parsons	....do...	14.78	....do...	....do...	Do.
27398	John Bennett	....do...	31.20	....do...	....do...	Do.
27895	Richard H. McAleer	....do...	31.20	....do...	....do...	Do.
28103	Charles Conrad	....do...	15.60	....do...	....do...	Do.
28113	Charles M. Jeffries	....do...	18.00	....do...	....do...	Do.
28859	Grace M. Hunt, widow of George M. Hunt, deceased.	....do...	28.32	....do...	....do...	Do.
23201	Edward P. Thomas	Feb. 20	15.60	....do...	May 20	Do.
25290	Alfred B. Hill	....do...	31.20	....do...	....do...	Do.
25392	Ezra C. Chacey	....do...	116.67	....do...	....do...	Do.
26948	Joseph McCleery	....do...	30.00	....do...	....do...	Do.
29164	Robert W. Hunter	....do...	250.00	....do...	....do...	Do.
24364	Richard W. Cubbedge, jr.	Feb. 10	116.67	Mar. 19	May 10	Do.
24365	Walter Perkins	....do...	150.00	....do...	....do...	Do.
26122	Carroll Power	....do...	150.00	....do...	....do...	Do.
24327	Edward C. Davis	Feb. 17	208.33	....do...	May 17	Do.
24438	Frank G. Pringle	....do...	125.00	....do...	....do...	Do.
25690	Horace W. Patterson	....do...	133.33	....do...	....do...	Do.
27545	William H. Moncrief	....do...	133.33	....do...	....do...	Do.
26297	John G. Anderson	Mar. 9	56.67	....do...	June 7	Do.
23495	George Rydberg	....do...	116.67	....do...	....do...	Do.
24370	Joel L. Gibson	....do...	94.75	....do...	....do...	Do.
26282	Thomas Agan	....do...	15.60	....do...	....do...	Do.
28356	Charles W. Hibbitt	....do...	300.00	....do...	....do...	Do.
29112	Jesse W. Lee	....do...	150.00	....do...	....do...	Do.
24033	Newman D. Lacy	Mar. 16	150.00	....do...	June 14	Do.
24259	Clint P. Merriwether	....do...	106.67	....do...	....do...	Do.
24350	John W. Nash	....do...	116.67	....do...	....do...	Do.
24601	Fred S. Titus	....do...	250.00	....do...	....do...	Do.
25320	Henry W. Thayer	....do...	266.66	....do...	....do...	Do.
24979	Mozart W. Rainold	....do...	488.90	....do...	....do...	Difference in pay as as ant surgeon.
27036	William O. Thornton	....do...	170.83	....do...	....do...	Pay as officer, U. S. Vol teers.
29330	Joseph B. Hall	....do...	197.37	Mar. 23	....do...	Extra pay to Volunte war with Spain.
29329	Michael E. Morris	....do...	300.00	....do...	....do...	Do.
29247	Perlie A. Dyar	....do...	208.33	....do...	....do...	Do.
29253	John Bordman, jr	....do...	150.00	....do...	....do...	Do.
29255	Salome B. Paine, widow of Sumner Paine, deceased.	....do...	116.67	....do...	....do...	Do.
29256	Walter E. Lombard	....do...	150.00	....do...	....do...	Do.
29261	Joseph H. Frothingham	....do...	147.03	....do...	....do...	Do.
29268	Albert B. Chick	....do...	150.00	....do...	....do...	Do.
29269	Frank S. Wilson	....do...	125.00	....do...	....do...	Do.
29271	Walter L. Pratt	....do...	150.00	....do...	....do...	Do.
29272	William Renfrew	....do...	125.00	....do...	....do...	Do.
29273	Bertie E. Grant	....do...	116.66	....do...	....do...	Do.
29284	Edwin R. Shumway	....do...	500.00	....do...	....do...	Do.
27365	Charles A. Vandegrift	Mar. 23	125.00	Mar. 27	June 21	Do.
28532	Stanley J. Beleck	....do...	31.20	....do...	....do...	Do.
29565	Gust Rasmussen	....do...	31.20	....do...	....do...	Do.
28683	Albert C. Christopherson.	....do...	34.49	....do...	....do...	Do.

Judgments rendered by the Court of Claims—Continued.

No.	Name of claimant.	Date of judgment.	Amount.	When presented for payment.	When payable if not appealed.	Nature of claim.
	WAR DEPARTMENT—continued.					
		1908.		1908.	1908.	
28690	Ralph H. Murray	Mar. 23	$31.84	Mar. 27	June 21	Extra pay to Volunteers, war with Spain.
28739	Ernest Baldwin	....do...	4.80	....do...	....do...	Do.
26125	James B. Houston	....do...	66.66	Mar. 31	....do...	Do.
26396	Patrick J. Curren	....do...	208.33	....do...	....do...	Do.
27201	Charles H. Boice	....do...	145.00	....do...	....do...	Do.
27382	James A. Ruggles	....do...	156.67	....do...	....do...	Do.
27547	William H. Jackson	....do...	148.33	....do...	....do...	Do.
27981	Freeman L. Smith	....do...	205.00	....do...	....do...	Do.
29182	George H. Rising	....do...	31.11	....do...	....do...	Do.
29382	William H. Tucker	....do...	44.72	....do...	....do...	Do.
28802	Henry D. Green	Jan. 20	150.00	Apr. 2	Apr. 19	Do.
24571	Frank J. Vosburgh	Mar. 30	31.20	Apr. 14	June 28	Do.
23130	Conrad C. Uber	Mar. 23	150.00	....do...	June 21	Do.
24571	Samuel H. Longdin	....do...	300.00	....do...	....do...	Do.
24571	Thomas P. Cochrane	....do...	250.00	....do...	....do...	Do.
24384	Amanda Charlesworth, widow of Firth Charlesworth, deceased.	Mar. 30	75.00	Apr. 17	June 28	Do.
24680	Anna E. Eckers, mother of Frank W. Eckers, deceased.	....do...	150.00	....do...	....do...	Do.
25038 24982	Louis W. Pease	....do...	133.33	....do...	....do...	Do.
25204	Patricinne J. H. Farrell.	....do...	352.28	....do...	....do...	Difference in pay as assistant surgeon.
21909	Robert Wynn	Apr. 20	16.64	Apr. 22	July 19	Extra pay to volunteers, war with Spain.
26346	John Flinn, father of Frank Flinn, deceased.	....do...	15.60	Apr. 23	....do...	Do.
28229	James H. Martin	Mar. 30	26.00	....do...	June 28	Do.
28232	Frank G. Harrington	....do...	26.00	....do...	....do...	Do.
28755	Albert Carter	....do...	26.00	....do...	....do...	Do.
28757	Sam B. Ray	....do...	26.00	....do...	....do...	Do.
29959	George E. Rafferty	....do...	36.00	....do...	....do...	Do.
	Total War Department.	.....	54,368.52			
	NAVY DEPARTMENT.					
		1908.		1908.	1908.	
25265	Joseph A. Guthrie	Feb. 3	181.06	Mar. 19	May 3	Pay as officer U. S. Navy.
28123	William G. Miller	Feb. 25	94.12	Mar. 23	(a)	Do.
					1908.	
24086	William Wheatley, surviving partner of Wheatley Bros.	Mar. 23	3,930.00	Apr. 2	June 21	Under contract with Navy Department for lumber.
22523	Joseph Paton Maclay and Thomas Walker McIntyre, surviving partners of the firm of Maclay & McIntyre.	Jan. 6	11,553.73	Feb. 17	Apr. 5	Demurrage and loss by detention of steamship Nyanza, under contract with Navy Department for delivery of coal at Manila, P. I.
27491	Elizabeth B. Sampson, executrix of William T. Sampson, deceased.	Apr. 13	39.39	Apr. 17	July 12	Pay as officer U. S. Navy.
27492	Laura S. Picking, executrix of Henry F. Picking, deceased.	....do...	8.12	....do...	....do...	Do.
28283	Lucy A. Wildes, executrix of Frank Wildes, deceased.	....do...	25.28	....do...	....do...	Do.
28308	William H. H. Smith, executor of David Smith, deceased.	....do...	1,312.50	....do...	....do...	Do.
28148	Silas W. Terry	Mar. 30	10.27	....do...	June 28	Do.
27142	William J. Heinzel	Apr. 6	81.00	....do...	July 5	Allowance to enlisted man of the Navy.
27534	The Gulf Transit Co.	Feb. 3	5,756.20	Apr. 20	May 3	Injury to vessel in docking in Government dock at Pensacola, Fla.
28035	The Snare and Triest Co.	Apr. 20	4,471.00	Apr. 23	July 19	Construction of a coaling plant at Portsmouth, N. H.
	Total Navy Department.	.....	27,462.67			

[a] Mandate of Supreme Court of United States.

Judgments rendered by the Court of Claims—Continued.

No.	Name of claimant.	Date of judgment.	Amount.	When presented for payment.	When payable if not appealed.	Nature of claim.
	DEPARTMENT OF COMMERCE AND LABOR.					
29985	William F. Tibbetts....	1908 Feb. 20	$439.28	1908 Mar. 4	1908 May 20	Expenses as shipping commissioner.
26816	Joshua E. Gonzales and Andrew Kennedy, trading as Gonzales & Kennedy.	1907 Apr. 1	2,800.00	1908 Apr. 8	1907 June 30	Damages to tug Dorothy in, and compensation for, saving from destruction Government caisson at Sabine Pass, Tex., June 11, 1904.
	Total Department of Commerce and Labor.	.....	3,239.28			
	DEPARTMENT OF INTERIOR.					
22524	The Sisseton and Wahpeton bands of Sioux Indians.	1908. Mar.	788,866.87	1908. Mar. 18	(a)	Unpaid annuities arising out of treaty stipulations.
	DEPARTMENT OF AGRICULTURE.					
22742	The New York Market Gardner's Association.	1908. Jan. 6	10,190.98	1908. Apr. 18	1908. Apr. 5	Under contract with Department of Agriculture for seeds.
	POST-OFFICE DEPARTMENT.					
28705	Texas Pacific Rwy. Co..	1908. Mar 30	1,311.88	1908. Apr. 1	1908. June 28	Mail transportation.
29874	The Alabama Great Southern R. R. Co., a corporation.	Apr. 20	5,891.89	Apr. 21	July 19	Do.
	Total Post-Office Department.	.....	7,203.77			
	DEPARTMENT OF JUSTICE.					
29878	Ed. P. Kelley.....	1908. Mar. 23	92.20	1908. Mar. 28	1908. June 21	Fees as clerk U. S. court.
18098	Nathaniel J. Riddick...	1907. May 13	42.60	Mar. 12	1907. Aug. 11	Do.
18234 21400	Samuel L. Trogdon....	Nov. 11	108.70	Mar. 20	1908. Feb. 9	Do.
28615	Washington S. Hyams..	Apr. 22	205.25	Apr. 20	1907. July 21	Do.
29999	Henry C. Geisberg.....	1908. Apr. 20	1,150.00	Apr. 25	1908. July 19	Do.
29845	Edwin E. Marvin.....	....do...	535.00	....do...	....do...	Do.
	Total Department of Justice.	.....	2,133.75			
	Aggregate of judgments.	.....	894,465.84			

a Mandate of Supreme Court of United States.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 891.

AUGUSTUS B. MILLER.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF AUGUSTUS B. MILLER AGAINST THE UNITED STATES.

APRIL 27, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, April 25, 1908.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional case No. 12265. Augustus B. Miller v. The United States.]

STATEMENT OF CASE.

The following bill was referred to this court by resolution of the House of Representatives on March 31, 1906, under the provisions of section 14 of the act of March 3, 1887, known as the Tucker Act:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the owner or owners of the barge *Charlie*, of Douglassville, Pennsylvania, Augustus B. Miller, master, out of any money in the Treasury not otherwise appropriated, the sum of two thousand five hundred dollars, being for damages alleged to have been sustained by reason of a collision with the United States steamship *Eutaw*, in the Potomac River, below Alexandria, Virginia, on or about the third day of July, eighteen hundred and sixty-three."

The claimant appeared and filed his petition, in which he avers substantially as follows:

That on the 3d day of July, 1863, he was the owner of the barge *Charlie*, and that on said date he left Georgetown, District of Columbia, with said barge under tow. When said barge reached a point in the Potomac River opposite the city of Alexandria she was run into by the U. S. man-of-war *Eutaw* and wrecked so effectively that the was thrown on the beach at Alexandria in a practically worthless condition. At the time of said collision the owner and master of the *Charlie* and the master of the steamer which was towing the same were complying with all the rules of navigation and the wreck occurred without any fault on the part of either of them, or of any of

their employees. The *Charlie* and tug were proceeding down stream near the Virginia shore and held to her course, but the U. S. steamship *Eutaw*, which was coming up the river, sheared out from her proper course, although the barge and her tow were in plain sight.

That on August 27, 1863, claimant sold said barge for $350, which was her full market value. At the time of said collision the *Charlie* was in a first-class condition and was worth not less than $2,100. Claimant alleges that his loss by reason of said collision was as follows:

Loss on boat	$1,750
Loss of use of boat, July 3, 1863, to August 14, 1863, while boat was on beach at Alexandria and docked at navy-yard at Washington, D. C	504
Loss of use of boat, August 14, 1863, to August 27, 1863, when boat was being held up at Patuxem, Md., by Government and being towed by Government to Philadelphia	156
Claimant's car fare between Washington and Douglassville, and claimant's board at Washington at different times while waiting for boat	60
Total	2,470

The case was brought to a hearing on the 1st day of April, 1908, on loyalty and merits.

John S. Blair, esq., appeared for claimant, and the Attorney-General, by George E. Boren, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. Claimant was during the late civil war a citizen of the United States and a resident of the State of Pennsylvania and throughout said war remained loyal to the Government of the United States.

II. At the time hereinafter stated claimant was the owner of the barge *Charlie*, a canal boat 100 feet long, 17-foot beam, and a 9-foot hold, without propelling apparatus, and about five years old, for which he paid in the year 1862 the sum of $800. Claimant subsequently expended the sum of $850 for repairs to said barge.

III. On July 3, 1863, said barge, while being towed in the Potomac River collided with the U. S. gunboat *Eutaw* and sustained injuries as hereinafter set forth.

IV. At the time of said collision, claimant's barge and fifteen other barges lashed together in tiers of four barges each were proceeding down the Potomac River under tow of a private tug at the rate of about 6 miles an hour. Claimant's barge was in the first or front tier, being the second boat on the port side, claimant's barge being 150 feet in the rear of the tug, and, like the other barges, except those in the last or end tier, was without steering gear. When opposite Alexandria, Va., the *Eutaw* was sighted about one-quarter of a mile off, coming toward the tow at the rate of about 15 miles an hour, and immediately thereafter struck the *Charlie* about 6 feet from her bow and damaged said boat by splitting and straining her timbers and otherwise injuring her.

It appears that the *Eutaw*, which was a vessel with a bow and rudder at each end, with engines intended to work forward and back, would not mind her helm at the time of said collision.

V. After said collision the *Charlie*, together with two other barges of the tow, was placed on the beach at Alexandria, but subsequently said boat was taken by a United States vessel to the navy-yard at Washington, where it was docked and repaired, the amount of damages to the *Charlie* by reason of said collision as reported by the commandant of the navy-yard being $119.50.

Said barge was afterwards taken by the claimant to Philadelphia, where on the 27th of August she was sold for $350.

VI. The claimant, by reason of said collision, which was without fault on his part, suffered damage on account of the loss of the use of and injury to said boat in the sum of eleven hundred and twenty dollars ($1,120), no part of which appears to have been paid.

VII. A few days after the collision occurred the claimant tried, through an attorney, to get payment for his loss through the Navy Department, but was informed by the Secretary of the Navy that it was impossible for that Department to settle such claims; that he would have to wait until after the close of the war, when such claims would be settled by a court of claims.

No further effort was make to collect said claim until the presentation of a bill in Congress for his relief on or about April, 1898, nor is any reason assigned for such delay. Thereafter, on the 31st day of March, 1906, the House of Representatives referred to the court the bill hereinbefore set out.

By the Court.

Filed April 6, 1908.
A true copy.
Test this 25th day of April, 1908.
[SEAL.]

John Randolph,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 892.

A. S. McDANIEL, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF A. S. McDANIEL, ADMINISTRATOR OF J. V. McDANIEL, DECEASED, AGAINST THE UNITED STATES.

APRIL 27, 1908.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, April 25, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12253. A. S. McDaniel, administrator of the estate of J. V. McDaniel, deceased, *v.* The United States.]

STATEMENT OF CASE.

This is a claim for property alleged to have been taken by the military forces of the United States for the use of the Army. The following bill was referred to the court by the House of Representatives, March 31, 1906, under the act of Congress approved March 3, 1887, known as the Tucker Act:

"[H. R. 2305, Fifty-ninth Congress, first session.]

"A BILL For the relief of the estate of J. V. McDaniel, deceased.

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of J. V. McDaniel, deceased, the sum of two thousand three hundred and fifty dollars, in full for property taken from him in Henderson County, Tennessee, in the year eighteen huudred and sixty-three, for the use of the Union Army."

A. S. McDaniel was appointed administrator of the estate of J. V. McDaniel and substituted as claimant, and filed his petition herein June 8, 1906, in which he makes the following allegations:

That his decedent was always a loyal citizen of the United States and lived during the civil war in Henderson County, Tenn.

That in the year 1863 the Federal Army came through that part of the country, and certain portions of Gen. James Weaver's command and Colonel Heart's command took from your decedent the following property for the use of the Union Army, to wit:

3 head of horses	$500
Corn, forage, meat, etc	350
10 bales of cotton	1,500
Total	2,350

None of this property was ever paid for by the United States Government, nor any compensation whatever made to this petitioner or his decedent or any other party in interest.

That the said decedent died on February 17, 1905, at Pecan Gap, Tex. Your petitioner was appointed administrator on November 27, 1905, by the county court of Delta County, State of Texas. Your petitioner did not know until recently of the passage of the Tucker Act, when he presented this claim in the Fifty-eighth Congress, third session.

The case was brought to a hearing on January 20, 1908.

Ellen Spencer Mussey appeared for the claimant, and the Attorney-General, by Clark McKercher, his assistant and under his direction, appeared for the defense and protection and interests of the United States.

The court, upon the evidence and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

I. J. V. McDaniel, deceased, was not loyal to the Government of the United States throughout the late civil war.

II. During said period the military forces of the United States, by proper authority, for the use of the Army, took from claimant's decedent in Henderson County, Tenn., horses as described in the petition, which at the time and place of taking were reasonably worth the sum of two hundred and fifty dollars ($250), no part of which appears to have been paid.

The claim for the cotton herein has been abandoned by claimant.

III. The claim herein was never presented to any Department of the Government prior to presentation to Congress and reference to this court by resolution of the House of Representatives, as hereinbefore stated in statement of the case, and no reason is given why the bar of any statute of limitation should be removed or which shall excuse the claimant for not having resorted to any established legal remedy.

BY THE COURT.

Filed February 3, 1908.

A true copy:

Test this 25th day of April, A. D. 1908.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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60TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 893.

W. W. WISE, ADMINISTRATOR,

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS, TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT IN THE CASE OF W. W. WISE, ADMINISTRATOR OF DAVID N. WISE, DECEASED, AGAINST THE UNITED STATES.

APRIL 27, 1908.—Referred to the Committee on War Claims, and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, April 25, 1908.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 12204. W. W. Wise, administrator of the estate of David N. Wise, deceased, *v.* The United States.]

STATEMENT OF CASE.

This is a claim for property alleged to have been taken by the military forces of the United States for the use of the Army. The following bill was referred to the court by the House of Representatives, March 31, 1906, under the act of Congress approved March 3, 1887, known as the Tucker Act.

"[H. R. 4839, Fifty-ninth Congress, first session.]

"A BILL For the relief of the estate of David N. Wise, deceased.

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of David N. Wise, deceased, the sum of two thousand two hundred and twenty-five dollars, for property taken by the Union Army in eighteen hundred and sixty-three, at Flat Creek, Bedford County, Tennessee, out of any money in the Treasury not otherwise appropriated."

W. W. Wise was appointed administrator of the estate and substituted as claimant, and filed his petition herein June 4, 1906, in which he makes the following allegations:

That his decedent was always a loyal citizen of the United States, and lived during the civil war at Flat Creek, Bedford County, Tenn.

Francis L. Neubeck, esq., appeared for claimant, and the Attorney-General by Clark McKercher, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in Colbert County, State of Alabama, where he resided during the late war of the rebellion; that at different times during said period the United States forces, by proper authority, took from him quartermaster stores and commissary supplies of the value of $750, and appropriated the same to the use of the United States Army, as follows:

Taken on or about April 3, 1863, by troops under command of General Dodge, 2 mules, at $150 each	$300
Taken on or about April 1, 1865, by troops under Major-General Wilson, 2 horses and 1 mare, at $150 each	450
Total	750

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

I. During the late civil war the military forces of the United States, by proper authority, for the use of the Army, took from claimant in Colbert County, State of Alabama, property of the kind and character described in the petition, which at said time and place was reasonably worth the sum of four hundred and twenty-five dollars ($425), no part of which appears to have been paid.

BY THE COURT.

Filed May 11, 1908.
A true copy.
Test this 12th day of May, 1908.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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